**SUBJECT**

**DATE**

**CASE NUMBER**

RAY, JAMES EARL US - UK
PS 10-4

**JACKET**
No. ____

Please do not disarrange or remove papers from this jacket or deface jacket with office stamp or notations.

GPO : 1961 O - 614919

14

PS 10-4 US-UK/Ray, James Earl

December 15, 1969

Mr. Phil M. Canale, Jr.
District Attorney General
County of Shelby
Memphis, Tennessee 38103

Dear Mr. Canale:

With reference to your letter of October 14, 1969 addressed to Mr. Gaither of this office, I am enclosing herewith a copy of the transcript of the proceedings in the James Earl Ray extradition case.

Thank you for your assistance in this matter.

Sincerely yours,

KEM

K. E. Malmborg
Assistant Legal Adviser
for Administration
and Consular Affairs

(1)

Enclosure:
Transcript

OUT

| DESCRIPTION OF ITEMS CHARGED (Subject, file number or title, type of document, and date, security classification, number of items, etc.) | OFFICE AND PERSON TO WHOM CHARGED | DATE OF CHARGE AND BY WHOM CHARGED |
|---|---|---|
| DEF 18-4<br>See attached list | FOI SC-125<br>Garten | 8/28/75 |
| PS 10-4 US-UK/Ray, James E<br>letter to Keusterwald<br>12/10/69 | 75 11.-022<br>Privacy<br>Harold Weisberg | 7/13/76<br>TF |
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DS-1033 (3-2-54) USE OTHER SIDE—CANCEL CHARGE OUT WHEN FILES RETURNED ☆ GPO: 1970-0-381-954

OUT

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| DESCRIPTION OF ITEMS CHARGED (Subject, file number or title, type of document, and date, security classification, number of items, etc.) | OFFICE AND PERSON TO WHOM CHARGED | DATE OF CHARGE AND BY WHOM CHARGED |
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DS-1033 (3-2-54) USE OTHER SIDE—CANCEL CHARGE OUT WHEN FILES RETURNED ☆ GPO: 1970-0-381-954

14

December 10, 1969

Mr. Richard G. Kleindienst
Deputy Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Kleindienst:

I refer to your letter of November 18, 1969, on the subject of James Earl Ray's request for certain affidavits prepared by the Department of Justice in support of Mr. Ray's extradition.

In view of the fact that these documents originated in the Department of Justice and are considered to be part of your Department's investigative files, I believe that the best course is to return those affidavits to the custody of your Department. They are enclosed herewith. You will note that several affidavits physically attached are under the authentication of Tennessee authorities. It may be that those affidavits do not constitute investigative files of the Department of Justice, but I believe that this judgment can best be made by your office.

I am so informing Mr. Ray and also Mr. Bernard Fensterwald, Jr., a private attorney, who has requested the same documents from the Department of State pursuant to the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552).

Sincerely yours,

JEL

J. Edward Lyerly
Deputy Legal Adviser

①

Enclosure:
Enclosure No. 2 from
London's A-1630

KEM
L/O/SCA:KEMalmborg:ilm

PS 10-4 US-UK Ray, James Earl

December 10, 1969

Mr. James E. Ray, 65477
Station-A-West
MSB H-3
Nashville, Tennessee

Dear Mr. Ray:

I regret the delay in a further response to your letter of August 14, 1969.

The Department has recently received the transcript of the extradition proceedings, and a copy will be sent to you shortly along with the request for inspection and copy of record, a copy of which is enclosed for your information.

With respect to affidavits submitted by the United States Government to the Bow Street Court in support of the extradition request, the court has returned those documents to the United States. The Deputy Attorney General has advised the Department of State that these documents are considered part of investigative files of the Department of Justice and are exempt from disclosure under subsection (e)(7) of section 552 of Title 5 of the United States Code. Accordingly, those affidavits have been returned to the custody of the originating agency. Any further inquiries, therefore, should be addressed to the Department of Justice.

Sincerely yours,

JEL

J. Edward Lyerly
Deputy Legal Adviser

Enclosure

KEM

L/O/SCA:KEMalmborg:ilm

15

ACTION
is assigned to
L/SCA

LAW OFFICES
**FENSTERWALD, BEVAN AND OHLHAUSEN**
927 FIFTEENTH STREET, N. W.
WASHINGTON, D. C. 20005
TELEPHONE (202) 347-3919

BERNARD FENSTERWALD, JR.
ROBERT L. BEVAN
WILLIAM G. OHLHAUSEN

NEW YORK ASSOCIATES
BASS & ULLMAN
342 MADISON AVENUE
NEW YORK, N. Y. 10017

November 26, 1969

LEGAL ADVISER
DEC 3 1969
DEPARTMENT OF STATE
✓

Honorable William P. Rogers
The Secretary of State
Washington, D. C.

Dear Mr. Secretary:

For some months now, on behalf of my client, Mr. Harold Weisberg, I have been seeking to get from the Department of Justice a copy of all documents supplied to the Bon Street Magistrate's Court in London by Mr. David Calcutt on behalf of the U.S. Government in the public proceeding to require the extradition of Mr. James Earl Ray in June-July, 1968. (See attached correspondence).

The Department of Justice has replied (evasively) that it does not have copies of such documents and (unevasively) that, even if it did have copies, they would not be made available under the Freedom of Information Act, despite the fact that the London proceeding was public.

Does the Department of State, either in its files in Washington or London or elsewhere, have such documents or copies thereof, and will they be made available promptly to Mr. Weisberg per this request?

As the Freedom of Information Act calls for prompt responses on requests for information, I sincerely hope you will favor us with a prompt and unequivocal reply.

Most respectfully yours,

Bernard Fensterwald, Jr.

BF:crr
Encl.

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PS 10-4 US-UK/Ray, James Earl

PS 10-4 US-UK/RAY, JAMES
/EARL

Department of State **TELEGRAM**

31

UNCLASSIFIED

LIMITED OFFICIAL USE 330

London — 8797
10-28-69

PAGE 01 LONDON 08797 290346Z

83
ACTION L 03

INFO OCT 01, EUR 20, SCA 01, JUS 02, PPT 02, RSR 01, RSC 01, /031 W
027510

R 281602Z OCT 69
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 3841

LIMITED OFFICIAL USE LONDON 8797

SUBJ: EXTRADITION: JAMES EARL RAY

REF.: STATE 180320

1. AS FAR AS BRITISH LAW IS CONCERNED BOW STREET COURT IS OF OPINION THAT RAY HAS RIGHT TO HAVE AFFIDAVITS TAKEN IN U.S. AND RECEIVED IN HEARINGS AT LONDON LAST YEAR. BOW STREET OFFICIAL STATES HE BELIEVES COPIES OF THESE AFFIDAVITS WERE GIVEN TO DEFENSE AFTER PROCEEDINGS HERE WERE COMPLETED. HE ASSUMED DOCUMENTS WERE TRANSMITTED TO HANES IN U.S. WHEN INFORMED GIVING AFFIDAVITS TO RAY MIGHT RESULT IN THEIR PUBLICATION, HE REPEATED THAT RAY, AS DEFENDANT, HAD EVERY RIGHT TO THE AFFIDAVITS, WHICH HE UNDERSTOOD COULD INCLUDE RAY'S MAKING THEM AVAILABLE TO OTHERS IF HE CHOSE TO DO SO.

2. WHILE DEPARTMENT CORRECT THAT AFFIDAVITS NOT AVAILABLE TO PUBLIC IN U.K., THIS POLICY DOES NOT APPLY TO PARTY IN THE PROCEEDING WHO COULD PUBLISH IT IF HE WISHED. THUS WERE RAY TO HAVE MADE REQUEST FOR DOCUMENTS, COURT WOULD HAVE RELEASED THEM. COURT WOULD NOT, RPT, NOT RELEASE TO WRITER OR ANY THIRD PARTY.

3. EMBASSY HAS OBTAINED VIEWS OF FOREIGN OFFICE AND HOME OFFICE WHICH CONCUR WITH THOSE OF BOW STREET COURT. BOTH AGREE MATTER OF PUBLICATION WOULD BE UP TO RAY.

①

4. SINCE BOTH COURT AND HOME OFFICE WOULD HAVE GRANTED REQUEST BY RAY FOR DOCUMENTS, EMBASSY OF VIEW THAT IT WOULD BE AWKWARD NOT RELEASE DOCUMENTS TO RAY. EMBASSY WOULD NOT, RPT, NOT SUPPORT GIVING DOCUMENTS TO WRITER.

Decontrolled, per K.E. Malmborg,
L/O/SCA, 4/9/70. See A-102 to
London, 4/9/70.

LIMITED OFFICIAL USE

O/FADRC
Erickson

62

5. FOREGOING HAS BEEN COORDINATED WITH GAITHER.
WELD

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Classification

PS 10-4 US-UK / RAY, JAMES EARL

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# Department of State

# TELEGRAM

INDICATE:
☐ COLLECT
☐ CHARGE TO

31

24 OCT 69 14 41z

DISTRIBUTION

ACTION: Amembassy LONDON

SUBJECT: Extradition: James Earl Ray

REF: London's 7516

Documents supporting extradition request include affidavits not reproduced in transcript. We understand that such affidavits not available to public in UK by court policy or procedure. Both Ray and private writer have requested affidavits, and furnishing to either or both could result their publication here. Affidavits part of investigative files in Justice and therefore may be withheld under Freedom of Information Act but State Department has no such basis withhold. Before decision, however, would like Embassy check with Bow Street Court and report their and Embassy views on release.

180320

ROGERS

Decontrolled, per K. E. Malmborg,
L/O/SCA, 4/9/70. See A-102 to London, 4/9/70
O/FADRC
Dickson

①

| DRAFTED BY: | DRAFTING DATE | TEL. EXT. | APPROVED BY: |
|---|---|---|---|
| KEM<br>L/OSCA:KEMalmborg:ii | 10/23/69 | 22350 | KEM<br>L/OSCA: K. E. Malmborg |

CLEARANCES:

EUR/BMI - Mr. ~~Furness~~ Cheslaw

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~~LIMITED OFFICIAL USE~~

Classification

FORM DS-322
4-68

2025 RELEASE UNDER E.O. 14176

31

October 15, 1969

LIMITED OFFICIAL USE

Mr. Will Wilson
Assistant Attorney General
Department of Justice
Criminal Division
Washington, D. C

Dear Mr. Wilson:

The Department of State has received a request from James Earl Ray for a copy of the transcript of the testimony given before the Bow Street Court, London, at his extradition hearing held in July 1968, as well as copies of the documents submitted by the United States in support of the extradition request.

The Department of State has obtained, via our Embassy in London, the original documents which were put into the evidence at the extradition hearing. We are in the process of obtaining the original transcript of the proceedings.

The materials requested are all of public record, and the Department of State does not believe that they fall within any of the exceptions to the Freedom of Information Act. This Department is prepared to release copies of this material to Mr. Ray pursuant to his request and in accordance with the Freedom of Information Act.

I am writing to inform you of the above and to request that you indicate whether you may have any objections to the transmittal of this material to Mr. Ray. The Legal Adviser's Office has already discussed this matter informally with members of your division. The documents

PS 10-4 US-UK/Ray, James Earl

①

LIMITED OFFICIAL USE

L/SCA: HL Gaither: ii

have been shown to Mr. Cella of the Department of Justice, and we would be pleased to make them available to anyone else who may wish to examine them. Either Mr. Gaither of my office (Code 101 Ex. 22672), or I (Code 101 Ex. 22350), will be glad to answer any questions that may arise.

Sincerely yours,

K. E. Malmborg
Assistant Legal Adviser
for Administration and
Consular Affairs

L/OSCA:HRGaither:ii

31

October 13, 1969

Honorable Phil M. Canale, Jr.
District Attorney General
Fifteenth Judicial Circuit
Shelby County Office Building
Memphis, Tennessee 38103

Dear Mr. Canale:

Regarding our telephone conversation of last week, I wish to request your office to transmit to the Department of State the original certified copy of the transcript of the proceedings in the James Earl Ray extradition case before the Bow Street Court, London, in July of 1968. Insofar as that court is concerned, that transcript was intended for delivery to the Department of State. It was apparently handed to the agents of the United States who escorted Ray from the United Kingdom to the United States.

You have indicated that a certified copy of this transcript is in your possession and I request that it be transmitted directly to the Department bf State by registered mail. Upon receipt, I will obtain a photographic copy of the documents which I will transmit to you. This photographic process will not require the breaking of the seals.

Thank you very much for your cooperation in this matter.

Sincerely yours,

HRG

H. Rowan Gaither
Attorney
Office of the Legal Adviser

PS 10-4 US-UK/Ray, James Earl

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| ORIGIN/ACTION | | |
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1969 SEP 23 AM 11 10

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DEPARTMENT OF STATE

# AIRGRAM

PS 10-7 LS-LK
1 RAY, James EARL
FOR RM USE ONLY

A-1630
NO.

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LU
HANDLING INDICATOR

TO : Department of State

FROM : American Embassy LONDON DATE: Sept.20, 1969

SUBJECT : EXTRADITION: James Earl RAY

REF : State 147678

L

Enclosed is a copy of the recorded evidence given orally by witnesses at the Bow Street Magistrates Court in the James Earl Ray case, as well as copies of a statement made by the accused under caution and the supplementary statement he was allowed to make to the Court before judgment was given. As stated in the covering letter from the Chief Clerk of the Court, he was unable to certify the copies since he no longer has the original documents. The Embassy has no record or recollection that the originals of these documents were transmitted to the Department by the Embassy. The Home Office and the Foreign and Commonwealth Office have suggested that the documents may have been included among documents handed to the escorts who accompanied Ray to the United States.

Also enclosed, as requested by the Department, are the documents which were submitted by the United States Government in support of the request for Ray's extradition.

CO
BmG

Enclosure No. 1
Letter from Chief Clerk of Bow Street Magistrates Court, enclosing six depositions and two statements.

Enclosure No. 2
Documents (with covering list) submitted in support of extradition request.

UNCLASSIFIED

FORM DS-323
4-62

FOR DEPT. USE ONLY
☑ In ☐ Out

Drafted by: CG/D:WWFisher:mts:9/18/69

Contents and Classification Approved by: CG/D:WWFisher

Clearances:

| ORIGIN/ACTION | | |
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DEPARTMENT OF STATE

# AIRGRAM

25 10-4 US-UK
RAY, James EARL
FOR RM USE ONLY

A-1630
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TO : Department of State

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12/11/69

FROM : American Embassy LONDON DATE: Sept.20, 1969

SUBJECT : EXTRADITION: James Earl RAY

REF : State 147678

LEGAL ADVISER
SEP 24 1969
DEPARTMENT OF STATE

L

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BMG

Enclosure No. 1
Letter from Chief Clerk of Bow Street Magistrates Court, enclosing six depositions and two statements.

Enclosure No. 2
Documents (with covering list) submitted in support of extradition request.

Enclosure #2 sent to Dep't of Justice 12/10/69 L/OISCA KEm

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FOR DEPT. USE ONLY
☒ In ☐ Out

FORM DS-323
4-62

Drafted by: CG/D:WWFisher:mts:9/18/69

Contents and Classification Approved by: CG/D:WWFisher

Clearances:

Enclosure No. 1 to A-1630 dtd 9/20/69

## Copy Documents Received from the Clerk, Bow Street Magistrate's Court, London

1. Deposition of Detective Sergeant Philip Birch.
2. Deposition of Detective Chief Superintendent Thomas Butler.
3. Deposition of Detective Chief Inspector Arthur Brine.
4. Deposition of George Jacob Bonebrake.
5. Statement of Accused, Ramon George Sneyd.
6. Deposition of Peter Hopkirk.
7. Deposition of defendant.
8. Personal statement of defendant.

Enclosure No. 2 to A-1630 dtd 9/20/69

# List of Documents Submitted by United States Government in Support of Request for Extradition of James Earl Ray

Embassy's Note No. 12 to Foreign Office London, dated June 12, 1968, with attached supporting documents.

List of attachments:

Affidavit of Lyndal L. Shaneyfeld re. identity of James Earl Ray.
Affidavit of George J. Bonebrake re. fingerprints on exhibits.
Affidavit of Robert L. Frazier re. identification of bullets.

Affidavit of Donald S. Wood re. sale of firearm.

Application for Requisition for International Extradition of James Earl Ray (with aliases) executed by the Governor of the State of Tennessee.

Petition for Application for Requisition in International Extradition of James Earl Ray (with aliases) addressed to the Governor of the State of Tennessee by Phil M. Canale, Jr., District Attorney General, 15th Judicial District, Tennessee.

Affidavit of Dr. J. T. Francisco re. pathological report on remains of Dr. Martin Luther King, with accompanying exhibits.

Affidavit of Robert V. Wenzler, re. survey of area where Dr. Martin Luther King was killed.

Affidavit of Guy W. Canipe, Sr., re. discovery of package containing a firearm.

Affidavit of N. E. Zachary, re. inspection of scene of crime.
Affidavit of Captain R. L. Williams, re. inspection of crime scene.
Affidavit of Cordra York, Sr., re. investigation of sales of binoculars.

Affidavit of James D. Hamby, re. bullets recovered at autopsy of remains of Martin Luther King.

Affidavit of Robert G. Jensen, re. exhibits received by him.

Copy of Indictment of James Earl Ray re. killing of Dr. Martin Luther King.

Certified copy of death certificate of Martin Luther King.

Certified copy of autopsy report on Martin Luther King.

Certified extracts of certain sections of the Tennessee Code of Laws.

Transmitted to Foreign Office with the Embassy's Certificate dated June 12, 1968:

Certificate of Fred T. Wilkinson, re. criminal record of James Earl Ray. (The original fingerprint records that were attached to this document were returned to the appropriate authorities in the State of Missouri, as they requested.)

Certificate of Judge John C. Casey, concerning record of conviction and sentence of James Earl Ray.

Certificate of James C. Kirkpatrick, re. certification of certain section of the Laws of the State of Missouri.

Transmitted to Foreign Office with Embassy's Certificate dated June 15, 1968:

Affidavit of Fred T. Wilkinson, re. criminal record of James Earl Ray and certification that fingerprints and photographs attached to his certificate dated June 19, 1968, were the original fingerprint records and photographs of James Earl Ray.

With the Embassy's Certificate dated June 15, 1968:

Affidavit of C. Q. Stephens, a witness of the shooting of Martin Luther King.

With a further Certificate dated June 15, 1968:

Affidavit of James H. Laue, a witness of the shooting of Martin Luther King.

Affidavit of Robert G. Jensen, re. check on hotel records.

Affidavit of Henrietta Hagemaster, re. records of motel.

Affidavit of John W. de Shazo, re. purchase of firearm.

Affidavit of TTomas R. Lau, re records of Bar-tending school.

Affidavit of Anne C. Kelly, re. hotel records.

Affidavit of James H. Mortimer, re. identity of handwriting.

Affidavit of Theodore J. A. O'Hearn, re. affidavit of Tomas R. Lau.

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*Department of State* **TELEGRAM**

PS 10-4 US-UK / Ray, James Earl

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LIMITED OFFICIAL USE 397

PAGE 01 LONDON 07516 182029Z

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ACTION L 03

INFO OCT 01,EUR 17,JUS 02,SCA 01,PPT 02,RSR 01,RSC 01,/028 W
045288

R 181659Z SEP 69
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 2939

LIMITED OFFICIAL USE LONDON 7516

SUBJECT: EXTRADITION: JAMES EARL RAY

REF: LONDON 7104 - PS 10-4 US-UK / Ray, James Earl

1. NO VERBATIM TRANSCRIPT IS KEPT OF PROCEEDINGS AT BOW STREET COURT. EMBASSY HAS, HOWEVER, OBTAINED COPY OF DEPOSITIONS, I.E., RECORDED EVIDENCE GIVEN ORALLY BY WITNESSES, AS WELL AS STATEMENT MADE BY ACCUSED UNDER CAUTION, AND SUPPLEMENTARY STATEMENT HE WAS ALLOWED TO MAKE TO COURT BEFORE JUDGMENT WAS GIVEN. COPIES BEING FORWARDED BY AIRGRAM.

2. CHIEF CLERK OF BOW STREET COURT STATES COPIES THESE DOCUMENTS WERE SUPPLIED TO DEFENSE AFTER THE PROCEEDINGS. HE IS UNABLE TO CERTIFY COPIES AS ORIGINALS ARE NO LONGER IN HIS POSSESSION. EMBASSY HAS NO RECORD THAT ORIGINALS WERE TRANSMITTED TO DEPT. BY EMBASSY. IT HAS BEEN SUGGESTED BY HOME OFFICE AND FOREIGN AND COMMONWEALTH OFFICE THAT THEY MAY HAVE BEEN INCLUDED AMONG DOCUMENTS HANDED TO ESCORTS WHO ACCOMPANIED RAY TO U.S.

3. DOCUMENTS SUBMITTED BY U.S. GOVT IN SUPPORT OF EXTRADITION REQUEST ARE BEING FORWARDED WITH SAME AIRGRAM.
ANNENBERG

London - 7516
9-18-69

① Decontrolled, per K.E. Malmborg, L/OSCA, 4/9/70. See A-102 to London, 4/9/74
O/FADRC
Dickson

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Department of State **TELEGRAM**

PS 10-4 US-UK/Ray, James Earl

London - 7104 9-8-69

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LIMITED OFFICIAL USE 287

PAGE 01 LONDON 07104 081208Z

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ACTION L 03

INFO OCT 01,EUR 17,JUS 02,SCA 01,PPT 02,RSR 01,RSC 01,/028 W
103412

R 081200Z SEP 69
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 2640

LIMITED OFFICIAL USE LONDON 7104

SUBJ: EXTRADITION: JAMES EARL RAY

REF: STATE 147678

EMBASSY EXPERIENCING DIFFICULTY IN OBTAINING SATISFACTORY INFORMATION CONCERNING EXISTENCE, PRESENT LOCATION AND AVAILABILITY OF ANY OFFICIAL TRANSCRIPT OF RAY'S EXTRADITION HEARING. CHIEF CLERK OF BOW STREET COURT, WHO IS UNDERSTOOD TO HAVE PREPARED DAILY SUMMARY OF PROCEEDINGS, HAS BEEN AWAY BUT IS SCHEDULED TO RETURN TO HIS OFFICE THIS WEEK AND EMBASSY WILL PURSUE MATTER WITH HIM.

ANNENBERG

Decontrolled, per K.E. Malmborg,
L/O/SCA, 4/9/70 see A-102 to London, 4/9/70
O/FADRC
Orickson

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LIMITED OFFICIAL USE

31

September 2, 1969

Mr. James E. Ray, 65477
Station-A-West
MSB H-3
Nashville, Tennessee

Dear Mr. Ray:

This is in response to your letter of August 14, 1969 requesting a copy of the transcript of your extradition hearing held at the Bow Street Court in July 1968. You also request copies of the documentation.

The Department of State does not have a transcript of the proceedings.

An inquiry has been sent to our Embassy in London to determine the availability and cost of an official copy of transcript of the hearing and copies of the documentation supporting the extradition request filed with the Court. I will inform you of the result of that inquiry as soon as it is received.

Sincerely yours,

HRG

H. Rowan Gaither
Attorney
Office of the Legal Adviser

PS 10-4 US-UK/Ray, James Earl

①

Clearance: Justice - Mr. Flannery HRG

L - Mr. Salans (sub) HRG

PS 10-4 US-UK/Ray, James Earl

147678

**OUTGOING TELEGRAM Department of State**

INDICATE: ☐ COLLECT
☐ CHARGE TO

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LIMITED OFFICIAL USE
*Classification*

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12

FOR OC/T USE ONLY

2 SEP 69 17 21z

Origin

Info:

ACTION: Amembassy LONDON

STATE

SUBJECT: Extradition - James Earl Ray

1. Ray has requested Department for copy of transcript of his extradition hearing held Bow Street Court, July 1968. Also requests supporting documentation. Ray states he informed by Court that all transcripts given Department State with copy to Ray's attorney which Ray unable obtain.

2. Justice has no transcript. Department files contain QUOTE Private and confidential UNQUOTE note of hearing prepared by Rowe & Maw with specific statement that it not RPT not official record of proceedings.

3. Embassy requested inform Department by cable whether it possible obtain official copy of transcript from Court and ascertain cost.

4. Justice and State desire and expect that original documentation would remain with either Bow Street Court or Foreign Office, whichever so entitled pursuant British extradition procedures;

147678 9-2-69

①

| | | |
|---|---|---|
| Drafted by:<br>L/SCA:HRGaither:ilm 9/2/69 | Tel. Ext.<br>22672 | Telegraphic transmission and classification approved by: L/SCA - K. E. Malmborg |

Clearances:

x Justice - Mr. Flannery
EUR/BMI - Mr. Furness (sub)
L - Mr. Salans (sub)

UNCLASSIFIED

LIMITED OFFICIAL USE
*Classification*

Decontrolled, per K.E. MALMBORG, L/O/SCA, 4/9/70
See. A-102 to London, 4/9/70
O/FADRC, Erickson

FORM 8-65 DS-322

OUTGOING TELEGRAM **Department of State**

INDICATE: ☐ COLLECT
☐ CHARGE TO

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*Classification*

FOR OC/T USE ONLY

Origin

ACTION: Amembassy LONDON PAGE TWO

Info:

however, Embassy requested ascertain possibility and cost reproduction of documentation which would include all evidence submitted by US in support of extradition request.

END

ROGERS

Drafted by:

Tel. Ext.

Telegraphic transmission and classification approved by:

Clearances:

LIMITED OFFICIAL USE
*Classification*

FORM 8-65 DS-322

37

ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION

Department of Justice
Washington 20530

To L/SCA
Maloney
for Ray file ?

NOV 7 1968

Mr. Mark Feldman
Department of State
Washington, D. C.

Dear Mr. Feldman:

I knew you would be interested in this extraordinary reply I received from Mr. Williams, the Legal Assistant to the Governor of Missouri.

Unless you have other thoughts, I see no purpose to be served in continuing the dialogue with Mr. Williams and others in the State of Missouri, though I am tempted to respond to this letter.

Sincerely,

Fred M. Vinson, Jr.
Fred M. Vinson, Jr.
Assistant Attorney General

PS 10-4 US-UK/RAY, JAMES EARL

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LEGAL ADVISER
NOV 8 1968
DEPARTMENT OF STATE

(6)

RM/R

PS 10-4 US-UK / Ray, James Earl

September 16, 1968

Mr. Fred M. Vinson
Assistant Attorney General
Department of Justice
Washington, D. C.

Re: Ray extradition

Dear Fred:

In regard to Governor Hearnes' letter to you of September 3 I am enclosing for your information copies of a letter I sent to Paul E. Williams, the Governor's Legal Assistant, on June 17 and a copy of a related memo to the file dated June 13. As Tennessee has agreed to pay all the counsel fees, this matter is somewhat academic, but if you should desire to set the record straight please feel free to draw freely upon the enclosed materials. I think it is fair to say that it was implicit in my conversations with Mr. Williams that Missouri's role was that of back-stop and that Tennessee probably would pay the lion's share of the costs. However, it was perfectly clear that Missouri also authorized retention of counsel on its behalf and that it was assuming responsibility for such a share of the costs as would be deemed appropriate by the two States.concerned.

Sincerely yours,

Mark B. Feldman
Assistant Legal Adviser
for Security and Consular Affairs

MICROFILMED BY RS/R

PS 10-4 US-UK / Ray, James Earl

(1)

Enclosures

40

SEPTEMBER 12, 1968

Mr. Beamer Barnes
Barnes and Grimes
West First Avenue
Lexington, North Carolina 27292

Re: Lloyd T. Menius

Dear Mr. Barnes:

This is in reference to your letter of August 16 inquiring as to the extradition of James Earl Ray, assassin of Dr. Martin Luther King, Jr., in relation to the above. You ask the following questions:

1. What department of the government issued the authority to return the assassin of Dr. Martin Luther King from London? Was it your Department, or the Justice Department, or who?

2. If a man can be returned to stand trial for murder, why can a man who has abandoned his wife and three children not be returned for trial?

The answers are the following:

1. James Earl Ray was extradited from England for murder and robbery at the request of the State of Tennessee and the State of Missouri in accordance with the Extradition Treaty between the United States and Great Britain. The request was made through the facilities of the Department of State and the Embassy at London. The Department of Justice assisted the State authorities and the Embassy in this matter.

2. The crimes for which extradition may be granted are enumerated in treaties with the various governments with whom the United States has concluded such extradition agreement. As far as I know, murder is an offense enumerated in every one of those treaties. Offenses related to abandonment and child support are not included in the great majority of extradition treaties. In any event, extradition is possible only on the basis of a criminal court conviction or a warrant of arrest.

Sincerely yours,

William R. Jochimsen, Chief
Protection and Representation Division

L/SCA -MBFeldman:jah 9/11/68

PS 10-4 US-UK/RAY, JAMES EARL

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MICROFILMED BY ES/S

ASSISTANT ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

September 12, 1968

PS 10-4 US-UK/RAY, JAMES EARL

Mr. Mark Feldman
State Department
Room 5423

Please let me know whether any of the conversations you had with Missouri authorities is inconsistent with the position taken by the Governor.

Fred M. Vinson, Jr.
Assistant Attorney General
Criminal Division
Room 2107

①

37

ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION

Department of Justice
Washington 20530

SEP 12 1968

Mr. Mark Feldman
Department of State
Washington, D. C.

Re: Extradition of James Earl Ray

Dear Mr. Feldman:

Enclosed you will find warrant no. 589380 drawn on the Treasurer of the State of Tennessee payable to the order of Rowe & Maw in the amount of $2,735.47.

This is in payment of legal fees in the above matter.

Will you please see that the check is transmitted to the Embassy for delivery to Nigel Maw. I am sure Jack Herfurt would like the privilege of transmitting it.

Sincerely,

Fred M. Vinson Jr.

Fred M. Vinson, Jr.
Assistant Attorney General

PS 10-4 US-UK/RAY, JAMES EARL

(1)

37

STATE OF TENNESSEE

GEORGE F. McCANLESS
ATTORNEY GENERAL & REPORTER

OFFICE OF THE
ATTORNEY GENERAL
SUPREME COURT BUILDING
NASHVILLE, TENNESSEE 37219

DEPUTY ATTORNEYS GENERAL
MILTON P. RICE
THOMAS E. FOX
ASSISTANT ATTORNEYS GENERAL
ROBERT B. MILLER
JOE T. McCARY
ROBERT F. HEDGEPATH
WILLIAM L. BROOKS
DAVID W. McMACKIN
PAUL E. JENNINGS
ALBERT D. NOE, IV
LURTON GOODPASTURE, JR.
ROBERT H. ROBERTS
GEORGE W. McHENRY, JR.
LANCE D. EVANS
C. HAYES COONEY

September 11, 1968

VICTOR BOND

- AIR MAIL -

Honorable Mark B. Feldman
Assistant Legal Adviser for Security
and Consular Affairs
Department of State
Washington, D. C. 20520

Dear Mr. Feldman:

I am sending Assistant Attorney General Fred M. Vinson, Jr. a warrant drawn on the Treasurer of the State of Tennessee payable to the order of Messrs. Rowe and Maw in the amount of $2,735.47 in payment of their fee and expenses incidental to the extradition of James Earl Ray and I send you herewith a copy of my letter to Mr. Vinson.

We are most grateful to you for your help without which our efforts would have been much more difficult.

Yours very truly,

George F. McCanless

GEORGE F. McCANLESS
Attorney General

GFMcC:ne

Enclosure

①

PS 10-4 US-UK/RAY, JAMES EARL

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
SUPREME COURT BUILDING
NASHVILLE, TENNESSEE 37219

September 11, 1968

- AIR MAIL -

Honorable Fred M. Vinson, Jr.
Assistant Attorney General
Criminal Division
Department of Justice
Washington, D. C. 20530

Re: Extradition of James Earl Ray

Dear Mr. Vinson:

I have just received and send you herewith Warrant No. 589380 drawn on the Treasurer of the State of Tennessee and payable to the order of Messrs. Rowe and Maw, Solicitors, London, England, in the amount of $2,735.47, in settlement of their fee for services and expenses incidental to the extradition of James Earl Ray. I ask that you transmit this warrant to Messrs. Rowe and Maw. I am sending a copy of this letter to Mr. Mark B. Feldman, Assistant Legal Adviser for Security and Consular Affairs, Department of State, Washington.

Yours very truly,

George F. McCanless

GEORGE F. McCANLESS
Attorney General

GFMcC:ne

Enclosure

CC: Honorable Mark B. Feldman
Assistant Legal Adviser for Security
and Consular Affairs
Department of State
Washington, D.C. 20520

Warren E. Hearnes
Governor

Executive Office
Jefferson City
Missouri

September 3, 1968

Honorable Fred M. Vinson, Jr.
Assistant Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Vinson:

Reference is made to your recent letter with which you enclosed a copy of the statement of fees from Rowe and Maw, Solicitors, who were engaged to assist in the extradition of James Earl Ray. You state that these fees are the obligation of the States of Tennessee and Missouri and suggest that I get together with Governor Ellington and arrange for a division of the fees between the States of Missouri and Tennessee. You also suggested that the transportation costs for returning Ray to this country will be the liability of the States of Missouri and Tennessee.

The State of Missouri participated in the extradition of James Earl Ray at the request of the United States Department of Justice. Ray escaped from the custody of the Department of Corrections of the State of Missouri while serving a sentence lawfully imposed for the commission of a crime in the State of Missouri.

The Department of Justice was interested in an airtight case to assure the extradition of Ray from England. The State of Missouri was asked by the Department of Justice to request extradition of Ray based upon the escape matter set out above as a backstop to the extradition request from the State of Tennessee, based upon the homicide charge growing out of the assassination of Martin Luther King.

The State of Missouri agreed to cooperate with the Department of Justice by requesting the extradition of Ray as outlined above. The cooperation of the State of Missouri with the Department of Justice was a backstop measure to assure Ray's return to this country in connection with the investigation of the death of Martin Luther King.

PS 10-4 US-UK/RAY, JAMES EARL

See 44-72-662

The employment of London counsel to assist in the extradition was handled entirely either by the Department of Justice or the State Department. The State of Missouri had at no time requested the Department of Justice or the State Department to employ such counsel. Although the London counsel may have been acting for the State of Missouri, their employment was by the Government of the United States and such employment was undertaken in behalf of the best interests of the United States by reason of the national interest in bringing the murderer of Martin Luther King to an accounting for his crime.

It therefore appears to me that the United States Government is liable for the fees and costs in question. Furthermore, it appears unfair to attempt to charge the State of Missouri several thousand dollars fees and expenses for their willingness to cooperate with the federal government in accomplishing the extradition.

I suggest that you consider this matter further with a view toward the responsibilities of the federal government in the matter. I cannot concede that the State of Missouri has assumed any of these financial obligations by reason of its cooperation with the federal authorities.

Sincerely yours,

Warren E. Hearnes

WEH:lw

37

DEPARTMENT OF STATE
THE LEGAL ADVISER

September 3, 1968

## MEMORANDUM OF CONVERSATION

PARTICIPANTS: Mr. Phil M. Canale, Jr.
District Attorney General
Memphis, Tennessee

Mr. Mark B. Feldman, L/SCA

SUBJECT: Extradition - James Earl Ray

COPIES TO: L - Mr. Belman
EUR/BMI

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On Friday I telephoned Memphis District Attorney Phil M. Canale on another matter, and he informed me that Tennessee plans to oppose the defense motion to dismiss the weapon charge against Ray on the ground that there is no defect in the indictment and that the motion is premature because Tennessee has elected to proceed first on the murder charge and will not move to consolidate the two cases. Mr. Canale confirmed that Tennessee understands that the Extradition Treaty with Great Britain precludes prosecution on the weapons charge, and he is prepared to drop the charge at the proper time. He is concerned, however, that capitulation to the defense motion before the trial for the murder of Dr. King could possibly be brought to the jurors' attention with prejudicial effect. (Earlier Mr. Canale had told me that the State was prepared to drop the charge immediately but that the judge, anticipating the defense motion, wished to defer such action until he had the opportunity to consider the matter upon the motion.)

Mr. Canale said that we could assure the British Government that this charge would be dropped at the proper time, and he indicated that he would not object to a statement by the Embassy at London or by the Department

PS 10-4 US-UK/RAY, JAMES EARL

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L/SCA: MBFeldman

to the effect that the arraignment on the weapons charge had been a pro forma matter, that the Tennessee authorities are aware of the treaty limitations, and that the matter would be taken up at the proper time.

This morning I briefed Jack Herfurt at London on the situation. He indicated that the Foreign Office probably would not raise further questions unless the weapons charge was brought to trial. However, as a result of this experience they may require specific assurances from state authorities in future extradition cases that the fugitive would not be prosecuted for charges outside the Treaty.

I spoke to Canale again today to emphasize the importance of avoiding any decision by the Court that would approve a prosecution on the weapons charge. He reassured me on that score and promised to send us copies of Tennessee's papers on this motion together with a letter reflecting Tennessee's intentions in this matter.

L/SCA:MBFeldman:ii

(21)

August 30, 1968

Honorable Phil M. Canale, Jr.
District Attorney General
Fifteenth Judicial Circuit
Shelby County Office Building
Memphis, Tennessee 38103

Dear Mr. Canale:

In accordance with our telephone conversation this morning, you will find enclosed the record from the files of the Missouri State Penitentiary containing photographs and original fingerprints of James Earl Ray, which record has been returned to us by the British authorities. It is my understanding that this record is needed for purposes of the prosecution in Memphis and that you will make arrangements for its return to the proper Missouri authorities when it is no longer needed for the prosecution.

PS 10-4 US-UK / Ray, James Earl

Sincerely yours,

MBF

Mark B. Feldman
Assistant Legal Adviser
for Security and
Consular Affairs

MICROFILMED BY RM/

Enclosures:
Photographs and
fingerprints.

(1)

cc: Mr. Paul Williams
Legal Assistant
Governor of Missouri

Hon. Fred Vinson
Assistant Attorney General
Department of Justice

L/SCA

**RS/R FILES**
**Attention** Mrs. Mullett
**Keep this study together.**

DEPARTMENT OF STATE
Washington, D.C. 20520

10938

August 22, 1968

**COPIES TO:**
**S/S:RF**
**EUR**
**L**
**SCA**
**O**
**PER/CMA**

PS 10-4 US-UK/RAY, JAMES EARL

Dear Fred:

Thanks very much for your kind comments on the Department's role in the Ray extradition case. I appreciate your calling it to my attention.

Your remarks will be added to the personnel records of the officers concerned.

Sincerely,

Under Secretary

Honorable Fred M. Vinson, Jr.,
Assistant Attorney General,
Department of Justice,
Washington, D. C.

Clearance

PER/CMA - Mr. Middleton

MICROFILMED BY RS/R

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Microfilmed for
LBJ Library

PER/CMA/FS/SO:MCWalstrom:jm 8/16/68

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BY S/S: CMS

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EXECUTIVE SECRETARIAT
DEPARTMENT OF STATE
OUT

1968 AUG 22 PM 7 06

~~fn 8/22/68~~

DEPARTMENT OF STATE
WASHINGTON

AUG 20 1968

IN REPLY REFER TO:

45

To: The Under Secretary

Through: S/S

From: O - Ralph S. Roberts, Acting

Subject: Commendation of Department's Assistance in Ray Extradition Case by Assistant Attorney General
ACTION MEMORANDUM

PS 10-4 US-UK/RAY, JAMES EARL

Discussion:

Assistant Attorney General Fred M. Vinson has sent you a letter (Tab B) commending the effective assistance his Department received during the Ray extradition case from Ambassador Bruce and others in our London Embassy as well as from members of the Office of the Legal Adviser.

Recommendation:

That you sign the attached letter (Tab A) thanking Mr. Vinson for his complimentary comments.

Clearance: PER/CMA - Mr. Middleton

Attachments:

Tab A - Letter to Mr. Vinson

Tab B - Letter from Mr. Vinson

MICROFILMED BY RS/AR

PER/CMA/FS/SO:MCWalstrom:jm X6501 8/16/68

(1)

EXECUTIVE SECRETARIAT
DEPARTMENT OF STATE
OUT

1968 AUG 22 PM 6 57

FORM DS-1563
12-63

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

# ACTION SLIP

*(To Remain With Correspondence)*

CONTROL NO. O/DG/PER
10938

TO
O - Mr. Cottman ✓

DATE
8/5/68

SUBJECT Ltr to the Under Secy fm Justice/Fred Vinson dtd 7/30 expressing appreciation for the effective assistance rendered by the State Dept. in the Ray extradition matter.

**ACTION**

*Prompt handling is essential. Return basic correspondence with reply. If delayed call telephone extension below.

XXXXXXXXXXXX For appropriate action. and acknowledgment.

For direct reply. Comeback copy required ______.

Prepare reply. A response for signature by the ______.
Clear with ______.

Prepare a ______ to ______.

Refer to White House request of ______.

Due in S/S by ______.

For your information.

REMARKS

COPIES TO

U - Mr. Homme (w/att)
EUR - Mr. Suchman (w/att)
L - Mr. Sena (w/att)
SCA - Mr. Luppi (w/att)

GLKelly - 4735
SECRETARIAT STAFF
EXT.

37

DEPARTMENT OF STATE
THE LEGAL ADVISER

August 5, 1968

TO: James Earl Ray File

FROM: L/SCA - Mark B. Feldman

SUBJECT: Extradition of James Earl Ray

I am forwarding statements of fees presented by Rowe and Maw for transmittal by Mr. Vinson as he desires to inform the States of bill presented by the Air Force for $8,500 for the transportation of the fugitive to this country. I advised Vinson this morning that based on my conversation with Albert Noe of the Tennessee Attorney General's office, the State of Tennessee would not be expecting to pay for the cost of Air Force transportation for this fugitive.

PS 10-4 US-UK/RAY, JAMES EARL

(1)

ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION

10938

4)

Department of Justice
Washington 20530

July 30, 1968

Honorable Nicholas deB. Katzenbach
Under Secretary of State
Department of State
Washington, D. C.

PS 10-4 US-UK/RAY, JAMES EARL

Dear Nick:

Just a note to let you know how important and effective was the assistance rendered by State Department people in the Ray extradition matter.

The interest of Ambassador Bruce and Philip Kaiser and their counsel upon political aspects of the problem were invaluable. Jack Herfurt, Counselor for Consular Affairs in London, is a real pro who knew the ropes. His wholehearted cooperation was also invaluable.

Also, Mark Feldman and Murray Belman in the office of Legal Adviser did a great deal of the spade work in pulling together the package of affidavits needed to support our extradition requests. Their work, together with that of Nat Lewin and Harold Shapiro in this Department, enabled us to file the requests four and a half days after Ray's apprehension in London -- while never within memory has it taken less than thirty days to accomplish and perfect all the paper work required in this highly technical field.

In short, the whole operation was a tribute to high-grade teamwork.

My thanks to you for your interest and assistance.

Sincerely,

Fred M. Vinson, Jr.

Fred M. Vinson, Jr.
Assistant Attorney General

MICROFILMED BY RS/M

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1968 AUG 3 AM 10 05

ORIGIN/ACTION

L-3*

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| AGR | COM | FRB |
| INT | LAB | TAR |
| TR | XMB | AIR |
| ARMY | CIA | NAVY |
| OSD | USIA | NSA |

DEPARTMENT OF STATE

# AIRGRAM

PS 10-4 US UK/RAY, JAMES EARL

FOR RM USE ONLY

A-4172 — NO.

UNCLASSIFIED 12

HANDLING INDICATOR

TO : DEPARTMENT OF STATE for L/SCA
(Attention: Mark B. Feldman)

RECEIVED
DEPARTMENT OF STATE
action taken
JUL 30 8 31 AM 1968
file RSIR
RS/AN
ANALYSIS BRANCH

FROM : AMEMBASSY LONDON

DATE: July 26, 1968

SUBJECT : EXTRADITION OF JAMES EARL RAY ALIAS RAMON GEORGE SNEYD

REF :

There is attached a Statement of Fees that has been received from Rowe & Maw, Solicitors, who acted in the English court proceedings in connection with the extradition of James Earl Ray, alias Ramon George Sneyd. The Statement sets out the legal fees and charges of Rowe & Maw and their disbursements for counsels fees and other sundry expenses.

It is requested that the Department of State obtain the respective fees from Tennessee and Missouri and forward the total amount to the Embassy for forwarding to the attorney.

BRUCE

LEGAL ADVISER
JUL 30 1968
DEPARTMENT OF STATE

1968 JUL 30 AM 10 49
COPYFLO-PBR

att

Enclosure:
Statement of Fees

UNCLASSIFIED

FORM 4-62 DS-323

FOR DEPT. USE ONLY
☒ In ☐ Out

Drafted by:
CCA: JAHerfurt:emw

Contents and Classification Approved by:
CCA: JAHerfurt

Clearances:

43

July 26, 1968

The Honorable
Fred M. Vinson, Jr.
Assistant Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Vinson:

In accordance with your request I am enclosing seven copies of the record of the Ray proceeding prepared by Rowe and Maw. The attached note from Nigel Maw indicates that two copies are intended for the Governor of Missouri, two for the Governor of Tennessee and one for the prosecuting attorney in Tennessee. The remaining two are intended for you and the Attorney General.

Sincerely yours,

Mark B. Feldman
Assistant Legal Adviser
for Security and Consular
Affairs

PS 10-4 US-UK/RAY, JAMES EARL

①

Enclosures

MICROFILMED BY RS/R

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PS 10-4 US-UK/RAY, JAMES EARL

207764

**OUTGOING TELEGRAM Department of State**

INDICATE: ☐ COLLECT
CHARGE TO

LIMITED OFFICIAL USE
*Classification*

B

FOR OC/T USE ONLY

Origin

Info:

ACTION: Amembassy LONDON PRIORITY

24 JUL 68 14 38z

~~STATE~~

SUBJECT: Ray extradition

For Herfurt

1. You may inform Foreign Office Tennessee District Attorney routinely filed indictment which had been returned on weapons charge. We have advised him of treaty obligation and he intends move to withdraw the charge promptly.

2. Tennessee authorities will answer press queries with simple statement that they have been informed weapons charge is not extraditable offense under extradition treaty with Great Britain and that Ray can be prosecuted only for offenses for which he was extradited.

END

207764

MICROFILMED BY RS/R

RUSK

0

| | | |
|---|---|---|
| Drafted by:<br>L/SCA:MBFeldman:li 7/24/68 | Tel. Ext.<br>5066 | Telegraphic transmission and classification approved by: L/SCA - Mark B. Feldman |
| Clearances: | | |

P/ON - Robert McCloskey

LIMITED OFFICIAL USE
*Classification*

FORM DS-322
8-65

75

PS 10-4 US-UK/RAY, JAMES EARL

207800

A

**OUTGOING TELEGRAM Department of State**

INDICATE: ☐ COLLECT
CHARGE TO

LIMITED OFFICIAL USE
*Classification*

FOR OC/T USE ONLY

24 JUL 68 16 04z

Origin
ACTION: Amembassy LONDON IMMEDIATE

Info:

STATE

SUBJECT: Ray extradition

REF: State 207764

FOR HERFURT

1. District Attorney Canale now advises that judge in Ray case is unwilling to move immediately to drop weapons' charge until he has had opportunity to consider problem. It appears, however, that defense counsel is preparing motion on this point for early presentation. Accordingly, you may assure FonOff as indicated reftel that matter will be taken care of but should not promise prompt action.

END

207800

MICROFILMED BY RS/R

RUSK

①

| Drafted by: | Tel. Ext. | Telegraphic transmission and classification approved by: |
|---|---|---|
| L:L/SCA:MBFeldman:ilm 7/24 | 5066 | L:L/SCA-Mark B. Feldman |

Clearances:

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*Classification*

FORM 8-65 DS-322

75

PS 10-4 US-UK/RAY, JAMES EARL

**Department of State** **TELEGRAM**

23

LONDON

10919 - A981-6

LIMITED OFFICIAL USE 836

PAGE 01 LONDON 10919 181140Z

42
ACTION JUS 02

INFO EUR 15,L 03,SSO 00,SCA 02,P 04,PPT 02,SS 20,NSC 10,RSR 01,RSC 01,

/060 W

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P 181053Z JUL 68
FM AMEMBASSY LONDON
TO SECSTATE WASHDC PRIORITY 4863

LIMITED OFFICIAL USE LONDON 10919

SUBJECT: TELEPHONE CONVERSATION BETWEEN ARTHUR HANES AND CONSUL GENERAL JACK HERFURT

FOR FRED A. VINSON, DEPT OF JUSTICE. TO BE DELIVERED AT OPENING OF BUSINESS JULY 18

THE CONSUL GENERAL RECEIVED A PHONE CALL FROM ARTHUR HANES WHO STATED AS FOLLOWS QUOTE I'M A LAWYER FROM BIRMINGHAM, ALABAMA, REPRESENTING SNEYD OR RAY THAT'S IN PRISON HERE. I NOTIFIED THE ATTORNEY GENERAL YESTERDAY MORNING AT 11:30 FOR THE PRUPOSE OF COMING OVER HERE TO WAIVE EXTRADITION AND GET THIS MAN BACK TO THE UNITED STATES. I ALSO REQUESTED IN A LETTER TO HIM A WEEK OR SO AGO THAT I BE ALLOWED TO ACCOMPANY THIS MAN BACK TO THE UNITED STATES. HAVE YOU HEARD ANYTHING ABOUT THAT UNQUOTE HANES WAS ADVISED THAT VINSON IN WASHINGTON HAD WRITTEN A LETTER TO HANES STATING THAT HANES UNDERSTOOD WHY IT WAS IMPOSSIBLE TO ACCOMPANY MR. RAY. HANES THEN RESPONDED AS FOLLOWS QUOTE I TALKED TO THE ATTORNEY GENERAL'S OFFICE AND THERE WAS NO MENTION OF A FLAT TURNDOWN AT THAT TIME. MAYBE THE LETTER CAME AFTER I LEFT OR MAYBE TODAY. I REITERATE THAT I THINK IT'S A MATTER OF RIGHT THAT THIS MAN NOT BE INTERROGATED WITHOUT MY PRESENCE. I WOULD LIKE TO VISIT WITH HIM ALONE PRIOR TO HIS DEPARTURE TO THE STATES. IF NOT PERMITTED TO ACCOMPANY HIM BACK, I WANT TO SEE HIM THE MOMENT HE LANDS STATESIDE UNQUOTE HANES REQUESTED THAT THIS BE TRANSMITTED TO VINSON IN WASHINGTON. HERFURT ADVISED HE WOULD TRANSMIT THIS REQUEST TO VINSON. ACTING ON INSTRUCTIONS FROM VINSON, HANES WAS CALLED AT HIS HOTEL AND ADVISED THAT HIS REQUEST HAD BEEN PASSED ON TO VINSON

MICROFILMED BY RS/R

LIMITED OFFICIAL USE

PAGE 02 LONDON 10919 181140Z

AND THAT VINSON ASKED HERFURT TO CONVEY TO HANES THE FOLLOWING QUOTE I CALLED MR. VINSON IN WASHINGTON AND PRESENTED YOUR REQUEST TO HIM. HE ASKED ME TO CONVEY TO YOU THE FOLLOWING QUOTE I AM SURE HE UNDERSTANDS WHY IT IS IMPOSSIBLE TO ACCOMPANY RAY TO THE UNITED STATES. ALSO I AM SURE HE UNDERSTANDS WHY IT IS IMPOSSIBLE TO SEE HIM AT THE DEPARTURE UNQUOTE HANES WAS ADVISED BY HERFURT THAT WITH RESPECT TO HIS REQUEST TO TALK TO RAY QUOTE I CAN APPRECIATE YOUR DESIRE TO SEE RAY BEFORE HIS DEPARTURE FROM THE PRISON BUT THIS IS PURELY A DECISION WHICH RESTS WITH THE BRITISH AUTHORITIES UNQUOTE.

HANES HELD A PRESS CONFERENCE WHICH WAS BROADCAST ON TV IN WHICH HE STATED HE HAD REQUESTED FROM THE AMERICAN CONSUL AUTHORITY TO ACCOMPANY RAY TO U.S. HANES PLANS ON HOLDING ANOTHER PRESS CONFERENCE AT 11:30 LONDON TIME JULY 18. CONVERSATIONS BETWEEN HANES AND HERFURT HAVE BEEN PASSED TO PRESS ATTACHE WHO WILL PROVIDE INFORMATION IF QUERIED. MEMCONS WILL BE FORWARDED.

BRUCE

65

**OUTGOING TELEGRAM** Department of State

INDICATE: ☐ COLLECT
☐ CHARGE TO

(42)

LIMITED OFFICIAL USE
*Classification*

202432

A

FOR OC/T USE ONLY

15 JUL 68 21 28z

PS10-4 US-UK
Ray, James Earl

Origin

ACTION: Amembassy LONDON PRIORITY

Info:

STATE

SUBJECT: Ray extradition

1. Suggest that operative portion second sentence draft note be revised as follows: "The United States Government has designated any two or more of the following four named persons (here name agents) as agents to receive Mr. Ray in the United Kingdom upon the issuance of an Extradition Warrant by Her Majesty's Principal Secretary ~~for Home Af~~ of State for Home Affairs and to convey him to the United States at the proper time for surrender to the proper authorities of the State of Tennessee and/or the State of Missouri." The agents will carry the usual Presidential warrant. Their names will be provided through the legal attache.

202432

RUSK

MICROFILMED BY RS/R

END

(1)

| Drafted by: | Tel. Ext. | Telegraphic transmission and classification approved by: |
|---|---|---|
| L:L/SCA:MBFeldman:ilm 7/15/68 | 5066 | L - Murray J. Belman |

Clearances:

JUSTICE - Mr. Vinson
(substance)

LIMITED OFFICIAL USE
*Classification*

FORM 8-65 DS-322

37

Paul E. Williams
Legal Assistant

Executive Office
Jefferson City
Missouri
65101

July 15, 1968

PS 10-4 US-UK/RAY, JAMES EARL

Mr. Mark B. Feldman
Assistant Legal Adviser
for Security and Consular Affairs
Department of State - Room 5423
Washington, D. C.

RE: Extradition of James Earl Ray

Dear Mr. Feldman:

Enclosed please find four copies of double certification that Lorraine Oligschlaeger is a duly qualified and appointed Notary Public of the State of Missouri.

Kindest personal regards,

Yours truly,

Paul E Williams
Paul E. Williams

PEW:lo

Enclosures

①

37

Paul E. Williams
Legal Assistant

Executive Office
Jefferson City
Missouri
65101

July 10, 1968

Mr. Mark B. Feldman
Assistant Legal Adviser
for Security and Consular Affairs
Department of State - Room 5423
Washington, D. C.

Re: Extradition of James Earl Ray

Dear Mr. Feldman:

Enclosed please find additional copies of affidavits and double certifications in the above matter. Hopefully, this is the information you seek.

Kindest personal regards,

Yours truly,

Paul E. Williams
Paul E. Williams

PEW:lo

Enclosures

PS 10-4 US-UK/RAY, JAMES EARL

XR POL 6 US/KING, MARTIN LUTHER

(2)

ASSISTANT [illegible]ENERAL

57

July 5, 1968

Mark Feldman
Department of State

After you have had a chance to look at this, please call me.

Fred M. Vinson, Jr.
Assistant Attorney General
Criminal Division

Code 187, Ext. 2601

PS 10-4 US-UK/RAY, JAMES EARL

①

75

PS 10-4 US-UK/RAY, JAMES EARL

# Department of State TELEGRAM

27 [redacted] -10531

7-3-68

LIMITED OFFICIAL USE 523

PAGE 01 LONDON 10531 031128Z

45
ACTION L 03

INFO EUR 15,SCA 02,JUS 02,PPT 02,H 02,INR 07,SS 20,NSC 10,USIA 12,

CIAE 00,NSA 02,SCS 04,RSR 01,RSC 01,/083 W

P

R 031125Z JUL 68
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 4594

PS 10-4 US-UK RAY

LIMITED OFFICIAL USE LONDON 10531

1. LONDON 10500 SHOULD HAVE STATED IN HEADING QUOTE PASS LEWIN JUSTICE UNQUOTE INSTEAD OF QUOTE PASS LEWIN DEFENSE UNQUOTE.

2. TWENTY-FIFTH WORD IN SEVENTH SENTENCE SHOULD READ QUOTE NON-EXTRADITABLE UNQUOTE INSTEAD OF QUOTE NON-INDICTABLE UNQUOTE.
BRUCE

MICROFILMED BY RS/R

①

*Department of State* **TELEGRAM**

32

PS 10-4 US-UK/
RAY, JAMES EARL

42

CONFIDENTIAL 925

PAGE 01 LONDON 10554 031630Z

45
ACTION L 03

INFO EUR 15, JUS 02, CIAE 00, INR 07, NSAE 00, RSC 01, RSR 01, /029 W

P 031623Z JUL 68
FM AMEMBASSY LONDON
TO SECSTATE WASHDC PRIORITY 4609

CONFIDENTIAL LONDON 10554

SUBJECT: EXTRADITION JAMES EARL RAY

REF: STATE'S 195240 AND LONDON 10500

1. ASSISTANT ATTORNEY GENERAL VINSON IS RETURNING TO WASHINGTON JULY 3 AND STATES HE WILL DISCUSS MATTERS RAISED IN PARAGRAPHS 1 AND 2 OF STATE 195240 WITH APPROPRIATE AUTHORITIES FOLLOWING RETURN.

2. AS TO PARAGRAPH 3 OF STATE 195240 DIPLOMATIC NOTE WOULD PROBABLY NOT REPEAT NOT BE HELPFUL. BRITISH COURTS ARE TOTALLY INDEPENDENT AND FOREIGN OFFICE WOULD NOT VENTURE TO INFLUENCE THE OPINION OF THE COURT. FOREIGN OFFICE ROLE IN EXTRADITION IS CONFINED TO SERVING AS DIPLOMATIC CHANNEL. OFFICIAL IN NATIONALITY AND TREATY DEPARTMENT OF FOREIGN OFFICE AND MAW BOTH EMPHATICALLY AGREE WITH THIS VIEW. AS AN EXAMPLE OF INDEPENDENCE OF COURTS IN THESE MATTERS MAGISTRATE DID NOT CONSULT FOREIGN OFFICE BEFORE MAKING HIS FINDING THAT KING'S MURDER WAS NOT A CRIME OF A POLITICAL NATURE. BRUCE

LONDON 10554
7-3-68

MICROFILMED BY RS/R

1

CONFIDENTIAL

(52)

PS 10-4 US-UK / Ray, James Earl

195240

# OUTGOING TELEGRAM Department of State

INDICATE: ☐ COLLECT
☐ CHARGE TO

CONFIDENTIAL
*Classification*

FOR OC/T USE ONLY

195240

2 JUL 68 21 29z

Origin

ACTION: Amembassy LONDON IMMEDIATE

Info:

STATE

SUBJECT: Extradition James Earl Ray

XXXXXXXXXXXXXXXX

FOR HERFURT at opening of business

1. Justice advises Defense XXXXXXXXX pressing argument that armed robbery per Missouri law not equivalent treaty crime robbery with violence. Apparently Maw now of view that under British law threat with pistol or other deadly weapon does not constitute violence. Would appreciate detailed report Defense argument on this point and outline of British juridical and diplomatic practice with US and third countries.

(1)

2. We will ask Missouri authorities for the affidavit requested by Maw setting forth provisions of Missiouri law, and facts of robbery if readily available and helpful.

3. Would appreciate your judgment as to whether diplomatic note by USG on this point would be helpful. Do British courts XXX weigh views of XXXX FONOFF on such such treaty questions? Would FONOFF be prepared take strong position on this issue if necessary?

MICROFILMED BY RS/B

| Drafted by: | Tel. Ext. | Telegraphic transmission and classification approved by: |
|---|---|---|
| L/SCA:MBFeldman:ii 7/2/68 | 5066 | L - Murray J. Belman |

Clearances:

Justice - Mr. N. Lewin

RUSK

CONFIDENTIAL
*Classification*

FORM 8-65 DS-322

*Department of State* **TELEGRAM**

28

US-UK
PS 10-4 ~~UK-US~~/
Ray, James Earl

45

LIMITED OFFICIAL USE 362

PAGE 01 LONDON 10500 021541Z

49
ACTION L 03

INFO EUR 15, SCA 02, JUS 02, PPT 02, H 02, INR 07, SSO 00, SS 20, NSCE 00,
NSC 10, USIE 00, CIAE 00, SCS 04, RSR 01, RSC 01, /069 W

O 021507Z JUL 68
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 4571

LIMITED OFFICIAL USE LONDON 10500

PASS LEWIN DEFENSE

SUBJECT: EXTRADITION JAMES EARL RAY

COURT CONVENED AT 10:30 ON JULY 2 AND ADJOURNED AT 12:20 AFTER SUMMARY BY BOTH DEFENSE AND US COUNSELS. THE COURT WAS RECONVENED AT 12:30 DUE TO THE FACT THAT JAMES EARL RAY WANTED TO MAKE A STATEMENT. THE MAGISTRATE DECIDED TO HEAR THE STATEMENT BEFORE MAKING HIS DECISION WHEN COURT CONVENED AGAIN AT 2:00 PM. RAY'S STATEMENT WAS MADE AND THE COURT ADJOURNED AT 12:40. IT RECONVENED AT 2:15 AT WHICH TIME THE MAGISTRATE READ OUT RAY'S STATEMENT AND ADVISED THAT IT COULD NOT POSSIBLY MAKE ANY DIFFERENCE IN HIS DECISION. THE MAGISTRATE IN SUMMING UP HIS DECISION STATED THAT RAMON GEORGE SNEYD AND JAMES EARL RAY WERE ONE AND THE SAME MAN AND THAT A PRIMA FACIE CASE HAD BEEN MADE ON BOTH TENNESSEE AND MISSOURI CHARGES. HE THEN DEALT WITH THE OTHER DEFENSES RAISED, NAMELY THE MURDER BEING A CRIME OF A POLITICAL NATURE AND THE MISSOURI ROBBERY CONVICTION BEING NON-INDICTABLE AND FOUND THAT NEITHER DEFENSE WAS SUPPORTABLE. THE MAGISTRATE THEN ISSUED HIS ORDER OF EXTRADITION ON BOTH THE MISSOURI AND TENNESSEE REQUESTS EXPLAINING THAT RAY HAD A 15-DAY PERIOD IN WHICH TO PETITION FOR HABEAS CORPUS. RAY ADVISED THE COURT THAT HE WISHED LEGAL AID TO ASSIST HIM IN PETITIONING FOR HABEAS CORPUS.
BRUCE

London 10500
7-2-68

MICROFILMED BY RS/R

D

LIMITED OFFICIAL USE

②

June 27, 1968

The Honorable
George F. McCanless
Attorney General
State of Tennessee
Nashville, Tennessee 37219

Dear General McCanless:

Thank you for sending me the letter to Messrs. Rowe and Maw signed by Governor Ellington and yourself. I have sent it forward to London. We are expecting a report on the hearing very soon and will keep you informed.

With best regards, I am,

Sincerely yours,

MBF

Mark B. Feldman
Assistant Legal Adviser for
Security and Consular Affairs

PS 16-4 US-UK/Ray, James Earl

MICROFILMED BY RS/R

①

E

June 27, 1968

Mr. Paul E. Williams
Legal Assistant
Office of the Governor
State Capitol Building
Jefferson City, Missouri 65101

RE: Extradition of James Earl Ray

Dear Mr. Williams:

I am enclosing a copy of a letter I received this week from the Solicitor in this case which I thought would be of interest to you and to Governor Hearnes. The extradition hearing is being held in London today and we are expecting word shortly. I will keep you informed as the situation develops.

Sincerely yours,

Mark B. Feldman
Assistant Legal Adviser for
Security and Consular Affairs

MICROFILMED BY RS/R

Enclosure

PS 10-4 US-UK/Ray, J/James Earl

1

# Department of State TELEGRAM

US-UK
PS 10-4 ~~UK-US~~/ 48

Ray, James Earl

HJ

LIMITED OFFICIAL USE 945

PAGE 01 LONDON 10376 271924Z

50
ACTION L 03

INFO EUR 15, JUS 02, DODE 00, SSO 00, NSCE 00, USIE 00, CCO 00, CIAE 00,

GPM 04, H 02, INR 07, NSAE 00, NSC 10, P 04, RSC 01, SP 02, SS 20, FBI 01,

SY 03, PPT 02, SCA 02, SCS 04, RSR 01, /083 W

O 271712Z JUN 68
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 4487

LIMITED OFFICIAL USE LONDON 10376

PASS LEWIN DEFENSE

SUBJECT: EXTRADITION JAMES EARL RAY

BOW STREET MAGISTRATE COURT CONVENED AT 10:30 AM AND ADJOURNED AT 5:00 PM. EVIDENCE WAS PRESENTED BY BOTH COUNSELS WITH DEFENSE DUE TO FINISH SUMMING UP HIS ARGUMENTS ON TUESDAY, JULY 2. COUNSEL FOR U.S. WILL ALSO SUM UP ON THAT DAY. THE MAGISTRATE STATED THAT HE WOULD LIKE TO HAVE THE CASE COMPLETED ON JULY 2 IN ORDER FOR HIM TO GIVE HIS DECISION THAT EVENING.

MR. VINSON US ASSISTANT ATTORNEY GENERAL WILL REMAIN FOR THE TUESDAY SESSION. BRUCE

London 10376
6-27-68

MICROFILMED BY RS/R

1

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37

STATE OF TENNESSEE

GEORGE F. McCANLESS
ATTORNEY GENERAL & REPORTER

OFFICE OF THE
ATTORNEY GENERAL
SUPREME COURT BUILDING
NASHVILLE, TENNESSEE 37219

DEPUTY ATTORNEYS GENERAL
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ASSISTANT ATTORNEYS GENERAL
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JOE T. McCARY
ROBERT F. HEDGEPATH
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LURTON GOODPASTURE, JR.
ROBERT H. ROBERTS
GEORGE W. McHENRY, JR.
LANCE D. EVANS
C. HAYES COONEY

June 27, 1968

Honorable Mark B. Feldman
Assistant Legal Adviser for Security
and Consular Affairs
Department of State
Washington, D. C. 20520

VICTOR BOND
RAG CONTENT

Re: Extradition of James Earl Ray

Dear Mr. Feldman:

I am in receipt of your letter of June 25, 1968, with the enclosure which was both interesting and informative. Thank you very much for this material.

With best personal regards, I am

Very truly yours,

Albert D. Noe IV

ALBERT D. NOE, IV
Assistant Attorney General

ADN:be

PS 10-4 US-UK/RAY, JAMES EARL

(1)

37

Ray

STATE OF TENNESSEE

GEORGE F. McCANLESS
ATTORNEY GENERAL & REPORTER

OFFICE OF THE
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NASHVILLE, TENNESSEE 37219

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LURTON GOODPASTURE, JR.
ROBERT H. ROBERTS
GEORGE W. McHENRY, JR.
LANCE D. EVANS
C. HAYES COONEY

June 26, 1968

PS 10-4 US, UK/RAY, JAMES EARL

Honorable Mark B. Feldman
Assistant Legal Adviser for Security
and Consular Affairs
Department of State
Washington, D. C. 20520

Dear Mr. Feldman:

I am most grateful to you for your letter of yesterday with which you sent me a copy of the letter which Mr. Maw wrote you on June 21, 1968, about the proposed extradition of James Earl Ray. I have sent a copy of your letter and the one which Mr. Maw wrote to Governor Buford Ellington.

Sincerely yours,

George F. McCanless

GEORGE F. McCANLESS
Attorney General

GFMcC:ne

①

June 25, 1968

Nigel Graham Maw, Esq.
Rowe & Maw
Stafford House
Norfolk Street
Strand, London W.C 2
England

Dear Mr. Maw:

I have received your letter of June 21, together with a copy of your letter of June 12 to Mr. Vinson. I appreciate your taking the trouble to write to me in such detail. Your comments on the timing of the case and the political offense issue will be of great interest to all those responsible for this matter on this side. We are encouraged by your prognosis for this case and earnestly hope for the success you predict. Your efforts in this matter are very much appreciated.

Good luck at the hearing tomorrow.

Sincerely yours,

MICROFILMED BY S/A

Mark B. Feldman
Assistant Legal Adviser
for Security and Consular Affairs

(1)

cc:
Justice - Fred M. Vinson, Esq.
Assistant Attorney General

L/SCA:MBFeldman:jg 6/25/68

PS 10-4 US-UK / Ray, James Earl

(2)

June 25, 1968

Honorable Albert D. Noe, IV
Assistant Attorney General
State of Tennessee
Nashville, Tennessee 37219

Dear Mr. Noe:

Thank you for your kind note of June 21. I am enclosing a copy of a letter that I received this morning from the Solicitor in London which I believe will be of interest to you and General McCanless. With best wishes,

Sincerely yours,

Mark B. Feldman
Assistant Legal Adviser
for Security and Consular Affairs

MICROFILMED BY [illegible]

Enclosure:

As noted

(1)

L/SCA:MBFeldman:jg 6/25/68

PS 10-4 US-UK

Ray, James Earl

(21)

June 25, 1968

Honorable George F. McCanless
Attorney General
State of Tennessee
Nashville, Tennessee 37219

PS 10-4 US-UK/Ray, James Earl

Dear General McCanless:

I have received your letter of June 18, and wish to thank you for your prompt attention to this matter.

You will find enclosed a copy of a letter I have received this morning from the British Solicitor. You will see that his prognosis is for an early and successful conclusion of the case.

With best wishes,

Sincerely yours,

Mark B. Feldman
Assistant Legal Adviser
for Security and Consular Affairs

PS 10-4 US-UK/Ray, James Earl

Enclosure:

As noted

(1)

L/SCA:MBFeldman:jg 6/25/68

VICTOR BOND
RAG CONTENT

37

STATE OF TENNESSEE

GEORGE F. McCANLESS
ATTORNEY GENERAL & REPORTER

OFFICE OF THE
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SUPREME COURT BUILDING
NASHVILLE, TENNESSEE 37219

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GEORGE W. McHENRY, JR.
LANCE D. EVANS
C. HAYES COONEY

June 25, 1968

Honorable Mark B. Feldman
Assistant LegalAdviser for Security
and Consular Affairs
Legal Adviser's Office
Department of State
Washington, D. C. 20520

PS 10-4 US-UK/RAY, JAMES EARL

Dear Mr. Feldman:

Governor Ellington and I have signed the enclosed letter to Messrs. Rowe and Maw of London. I will appreciate it if you will look it over and if you think it is sufficient, I should like for you to forward it to them.

With my kindest regards, I am

Sincerely yours,

George F McCanless

GEORGE F. McCANLESS
Attorney General

GFMcC:ne

Enclosure

(1)

VICTOR BOND

21

June 24, 1968

MEMORANDUM FOR: The Honorable
Fred M. Vinson, Jr.
Department of Justice

FROM: Murray J. Belman
Deputy Legal Adviser

SUBJECT: Extradition of James Earl Ray -- Political Offense Question

PS 10-4 US-UK / Ray James Earl.

We suggest the following revisions of the Justice Department memorandum of June 19, 1968:

1. At pages 2-3, the opening paragraph of the discussion might be recast as follows:

> The question what constitutes a political offense within the meaning of an extradition treaty has been discussed in both judicial opinions and executive determinations. Traditional crimes against the State such as treason and rebellion are recognized as political offenses, but ordinary crimes against life or property are not considered to be offenses of a political character except in very limited circumstances when they form an integral part of a traditional political crime. Political crimes are understood to be crimes directed against the State or Government and are generally associated with efforts to overthrow constituted authority by unlawful means. In this case, the victim was a private person -- a public figure but not a public officer -- and there is no indication that the assassination was in pursuance of, or related to, any offense against constituted authority. Thus, this murder cannot be regarded as a crime political in character, and the murderer's motives are entirely irrelevant.

PS 10-4 US-UK / Ray James Earl

L: Murray J. Belman

Further, it is generally accepted in the United States and the United Kingdom that murder, even murder of a public officer, does not constitute an offense of a political character unless it is committed in the course of, and in furtherance of, a violent armed struggle between two parties contending for political control of state. Paragraph 1 of Article 3 of the Extradition Treaty specifically defines the extradition crime of murder as including "assassination". Assassination is commonly understood to refer to the treacherous killing of a public figure. Indeed Webster's New International Dictionary (2nd ed. 1934) defines assassin as "2. ... esp. the hired or appointed murderer of a public person". Thus under the Treaty, as under the cases, the assassination of a public person is an extraditable crime. To constitute a political offense, the crime must have arisen from the necessities of a political disturbance in the nature of civil war. The killing of a political figure, even for political motives, is not a political offense if it does not take place in that context.

2. At page 4, the discussion of the *Kolczynski* case, which might be moved to the bottom of the page, should be recast as follows:

In the recent case of *Re Kolczynski*, *supra*, the court applied the rationale of *Castioni* liberally in the light of the hard facts of modern history. In that case part of the crew of a Polish trawler had revolted for political reasons, taken possession of the vessel and sought refuge in England. Extradition was sought for the use of force by which the men effected their escape, *i.e.*, false imprisonment, unlawful wounding and revolt at sea. Cassels, J., concluded that the defection constituted the crime of treason under the Polish Constitution, and that extradition was sought to punish the men for that political offense. Taking note of the totalitarian conditions in Poland in

1954, he stated: "They committed an offense of a political character, and if they were surrendered there could be no doubt that, while they would be tried for the particular offense mentioned they would be punished as for a political crime." (1 All E.R. 31, at p. 35)

On this view, this case stands for the limited proposition that extradition will be denied

(i) when an offense of a political character has been committed,

(ii) when extradition is sought for ordinary crimes which formed an integral part of the political offense, and

(iii) when circumstances are such that the court is persuaded that the accused would be punished for the political offense rather than for the crimes for which extradition is sought.

This situation is well within the second part of Article 6 which requires that the fugitive prove "that the requisition for his surrender has, in fact, been made with a view to a try or punish him for a crime or offense of a political character".

In this case, the accused has not committed any political offense and under the system of law in force in the United States he could not be punished for any crimes other than those of which he is accused.

The judgment of Goddard, C.J., appears to discern the political character of the offense in the fact that the men committed certain acts to avoid a political prosecution. There is no parallel in the murder of Dr. Martin Luther King, Jr. Further, Lord Goddard's opinion discusses a hypothetical charge of murder in terms that make it plain that he accepts the traditional view that the evidence necessary to demonstrate that a killing is a political offense is evidence that "the shooting took place in the course of a rebellion". (1 All E.R. at p. 36)

37

Ray

STATE OF TENNESSEE

GEORGE F. McCANLESS
ATTORNEY GENERAL & REPORTER

OFFICE OF THE
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SUPREME COURT BUILDING
NASHVILLE, TENNESSEE 37219

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GEORGE W. McHENRY, JR.
LANCE D. EVANS
C. HAYES COONEY

June 24, 1968

VICTOR BOND

Honorable Mark B. Feldman
Assistant Legal Adviser for Security
and Consular Affairs
Legal Adviser's Office
Department of State
Washington, D. C. 20520

Dear Mr. Feldman:

Thank you so much for your letter of June 17, 1968, which I have just received. Upon my return to Nashville Mr. Noe told me how helpful you have been and of the great amount of time you have given the matter of the extradition of James Earl Ray. Governor Ellington will not return to his office until tomorrow morning when I expect to obtain his signature to an official appointment of Messrs. Rowe and Maw which I will send you with the request that you forward it to them. The basis of their charges seems to me to be quite reasonable.

With my kindest regards, I am

Sincerely yours,

George F. McCanless

GEORGE F. McCANLESS
Attorney General

GFMcC:ne

PS 10-4 US-UK/RAY, JAMES EARL

(1)

37

STATE OF TENNESSEE

GEORGE F. McCANLESS
ATTORNEY GENERAL & REPORTER

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ROBERT H. ROBERTS
GEORGE W. McHENRY, JR.
LANCE D. EVANS
C. HAYES COONEY

June 21, 1968

The Honorable Mark B. Feldman
Assistant Legal Advisor for
Security and Consular Affairs
Legal Advisor's Office
Department of State
Washington, D. C.

Re: Extradition of James Earl Ray

Dear Mr. Feldman:

This is just a quick note to express my appreciation for all your help, patience, and cooperation, in our efforts to return the above-named fugitive to this jurisdiction. If there is anything you need from this end, please do not hesitate to call upon me.

I was glad to see from your correspondence with General McCanless that the papers arrived in London in time to be filed there on June 12, 1968.

With best personal regards, I am

Very truly yours,

Albert D. Noe IV

ALBERT D. NOE, IV
Assistant Attorney General

ADN:be

PS 10-4 US-UK/RAY, JAMES EARL

(1)

37

**ROWE & MAW**
SOLICITORS

F. GRAHAM MAW
ANDREW F. A. POWLES
KENNETH G. FROW
C. A. WORTHINGTON
N. N. GRAHAM MAW
J. K. OLDALE
DUDLEY W. M. COUPER
F. G. MARKHAM

STAFFORD HOUSE · NORFOLK STREET
STRAND · LONDON · W.C.2

TELEPHONE: COVENT GARDEN 2281
TELEGRAMS: EFMAWLAW, LONDON, TELEX
TELEX: 262787

YOUR REFERENCE

OUR REFERENCE 7/H4109

21st June, 1968

PS 10-4 US-UK/RAY, JAMES EARL

Dear Mr. Feldman,

Proposed Extraditon of James Earl Ray

As promised, I enclose a copy of my letter to Fred Vinson about deportation which I hope is clear.

I think it might be useful if in this letter in addition to setting out the law on the "political point" which may be raised over here in Ray's defence, I were to outline the timing of the case.

Since talking to you I have looked further into this matter and I find that as a result of recent legislation the Appeal (if any) from the Divisional Court does not lie to the Court of Appeal but straight to the House of Lords as the court of ultimate jurisdiction.

The time-table will be approximately as follows:-

1. Hearing at Bow Street on Thursday 27th June 1968 when the full depositions will be gone through and evidence of identity will be taken (including finger print evidence) and evidence of the apprehension of Ray will also be given by the Police.

At the end of the Hearing at Bow Street the Magistrate will almost certainly give his Order forthwith if he is satisfied. There will be no formal judgment but the Magistrate may summarise the evidence very briefly and say that he is satisfied from it that a prima facie case has been made out which would justify the committal of Ray in an English murder trial and that the conviction has been adequately proved.

2. Within fifteen days after the making of the Extradition Order by the Magistrate, Ray may make an application to the Divisional Court for a Writ of Habeas Corpus. The first application is made to the Divisional Court by Ray's representative ex parte and if the Court thinks there is a sufficient case to answer the Court will order the application documents to be

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cont..........

served on us on behalf of the American Government and on the Governor of Brixton Prison. I would expect the formal Hearing of the Divisional Court to take place some five days after the documents have been served. I think the Court would find as early a date as this as the liberty of the subject is at stake.

3. The application to the Divisional Court takes the form of going through the evidence which has been adduced before the Magistrate and re-arguing such points of law as may have been argued before the Magistrate and even such extra points of law as may have occurred to Ray's representatives subsequently. I would expect the Divisional Court to give an extemporary judgment at the end of the Hearing. Against the decision of the Divisional Court an Appeal lies to the House of Lords by either party but only with leave either of the Divisional Court itself, or, if such leave is refused, with the leave of the House of Lords itself.

If the Divisional Court does not, at the end of a Hearing before the Divisional Court, grant leave to Appeal, the party agrieved has to petition to the House of Lords.

4. The Hearing of the House of Lords will be the final Hearing unless the Magistrate has misdirected himself badly on some point which the House of Lords see fit to return to the Magistrate for him to consider. This is most unlikely as is also the possibility of this case getting any further than the Divisional Court in the opinion of Mr. David Calcutt of Counsel and myself.

Next, on the political point, there are four relevant authorities.

The first is in re Castioni /̄1891_/ 1 QB 149 which was a case of an application for extraditon to Switzerland. This case decided that an offence to be of a political character must be one which is incidental to and forms part of political disturbances.

The following is an extract from the Judgment of Denman.J. :-

"... I think that in order to bring the case within

cont..........

the words of the Act and to exclude extradition for such an act as murder, which is one of the extradition offences, it must at least be shown that the act is done in furtherance of, done with the intention of assistance, as a sort of overt act in the course of acting in a political matter, a political rising, or a dispute between two parties in the State as to which is to have the government in its hands before it can be brought within the meaning of the words used in the act.... the question really is whether, upon the facts, it is clear that the man was acting as one of a number of persons engaged in acts of violence of a political character with a political object, and as part of the political movement and rising in which he was taking part."

The next case is in re Meunier decided and reported in /1894/ 2 QB 415 which was a case of an application for extradition to France where it was decided that for the offence to be one of a political character, there must be two or more parties in the State each seeking to impose the Government of their own choice on the other.

In this case Mr. Justice Cave said:-

"It appears to me that in order to constitute an offence of a political character, there must be two or more parties in the State, each seeking to impose the Government of their own choice on the other, and that, if the offence is committed by one side or the other in pursuance of that object, it is a political offence otherwise it is not."

The next case of relevance on this question is re Kolczynski reported in /1955/ 1 QB 540. This case decided that the true construction of Section 3(1) of the Extradition Act of 1870 is that if, in proving the facts necessary to obtain extradition, the evidence used in support shows that the offence has a political character the application for extradition must be refused; but even though the evidence in support appears to disclose merely one of the scheduled offences, the prisoner may show that in fact the offence is of a political character.

In that case the then Chief Justice, Lord Goddard, said:-

"The precise meaning of this difficult section has not yet been made the subject of judicial decision and text writers have found it difficult of explanation but in my opinion the meaning is this: if in proving the fact necessary to obtain

cont..........

extradition the evidence adduced in support shows that the offence has a political character the application must be refused, but although the evidence in support appears to disclose merely one of the scheduled offences the prisoner may show that in fact the offence is of a political character. Let me try to illustrate this by taking a charge of murder. The evidence adduced by the requisitioning State shows that the killing was committed in the course of a rebellion. This at once shows the offence to be political; but if the evidence merely shows that the prisoner kills another person by shooting him on a certain day, evidence may be given, and under Section 9 the Magistrate is bound to receive it, to show that the shooting took place in the course of a rebellion. Then if either the Magistrate or the High Court of Habeas Corpus or the Secretary of State is satisfied by that evidence that the event is of a political character, surrender is to be refused. In other words the political character of the offence may emerge either from the evidence in support of the requisition or from the evidence adduced in answer."

In the same case it was stated that the words "offence of a political character" within Section 3(1) must always be considered according to the circumstances existing at the time. In this case Mr. Justice Cassels pointed out that that present case was very different from 1891 when Castioni's case was decided. It was not then treason for a citizen to leave his country and start a fresh life in another. Thus in Kolczynski's case, the members of the crew of a small trawler engaged in fishing were under political supervision and they revolted by the only means open to them. They committed an offence of a political character and if they were surrendered there could be no doubt that, while they would be tried for the particular offence mentioned, they would be punished as for a political crime.

The most recent case is an Israel extradition case called re Schtraks decided in [1964] AC page 556 and this case decided that offences which arose out of a family quarrel did not become offences of a political character merely because those offences had become a political issue.

Lord Reid said:-

"It appears to me that the provisions of Section 3 of the Acts of 1870 are clearly intended to give effect to the principle that there should in this country be asylum for political refugees, and I do not think that it is possible or that the act evinces any intention to define the circumstances

cont..........

in which an offence can properly be held to be of a political character."

Lord Radcliffe also said something of relevance to the Ray case as a current guide on the Court's attitude towards political offences. He said:-

"In my opinion the idea that lies behind the phrase "offence of a political character" is that the fugitive is at odds with the State that applies for his extradition on some issue connected with the political control of government of the country. The analogy of "political" in this context is with "political" in such phrases as "political refugee", "political asylum", or "political prisoner". It does indicate I think that the requisitioning State is after him for reasons other than the enforcement of the criminal law in its ordinary, what I may call its, common or international, aspects."

I hope you find it useful for me to have set out in such detail the current thinking and the historical progress of consideration by the Judges of Section 3 of the Extradition Act 1870 on the question of political offences.

We see no basis along the lines of the law as set out above on which Ray will under English law be able successfully to contend that his extradition is being sought for political reasons.

Yours sincerely,

Nigel Graham Maw

M Feldman, Esq.,
Office of the Legal Adviser,
Room 5423,
The State Department,
Washington, D.C,
U.S.A.

59 PS 10-4 US-UK/Ray James Earl

Department of State **TELEGRAM**

23

LIMITED OFFICIAL USE 901

PAGE 01 LONDON 10017 181340Z

53
ACTION L 03

INFO EUR 15,SCS 04,SCA 02,JUS 02,PPT 02,SS 20,NSC 10,SSO 00,NSCE 00,

USIE 00,CIAE 00,NSAE 00,INR 07,SY 03,FBI 01,H 02,P 04,RSR 01,

RSC 01,/077 W

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O 181254Z JUN 68
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 4249

London 10017
6-18-68

LIMITED OFFICIAL USE LONDON 10017

PASS VINSON JUSTICE

SUBJECT: EXTRADITION JAMES EARL RAY

MICROFILMED BY DS/R

THE MAGISTRATE OF BOW STREET COURT MR. FRANK MILTON CONVENED COURT TUESDAY JUNE 18 AT 10:30 AM. THE DIRECTOR OF PUBLIC PROSECUTION ADVISED THE COURT AT THE OPENING OF THE HEARING THAT HE HAD COME TO THE CONCLUSION THAT AS EXTRADITION CHARGES AGAINST SNEYD WERE PENDING THEY TOOK PRECEDENCE OVER THE ENGLISH CHARGES AND THEREFORE REQUESTED THAT SNEYD BE REMANDED IN CUSTODY FOR THE MAXIMUM PERIOD UNTIL THE EXTRADITION HEARING WAS CONCLUDED. THE COURT AGREED. THE MAGISTRATE FORMALLY REMANDED SNEYD ALIAS RAY IN CUSTODY FOR THE MAXIMUM PERIOD. THE MAGISTRATE STATED THAT HE WOULD LIKE TO SEE THE EXTRADITON HEARING CONCLUDED AS SOON AS POSSIBLE AND PREFERABLY WITHIN THE PERIOD THAT RAY IS REMANDED IN CUSTODY ON THE ENGLISH CHARGES. THE MAGISTRATE SUGGESTED THE DATE OF THURSDAY, JUNE 27, FOR THE HEARING. BOTH NIGEL GRAHAM MAW, COUNSEL FOR THE U.S., AND DEFENSE COUNSEL, ROGER FRISBY, AGREED TO THIS DATE AND THE MAGISTRATE SO ORDERED THE HEARING TO BE HELD ON THE 27TH OF JUNE.

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NIGEL GRAHAM MAW, COUNSEL FOR THE U.S., THEN FORMALLY READ THE CHARGES QUOTE JAMES EARL RAY, HEREINAFTER CALLED THE DEFENDANT, SUSPECTED AND ACCUSED OF THE COMMISSION OF THE CRIME OF MURDER, TO WIT ON 4 APRIL 1968 IN SHELBY COUNTY, STATE OF TENNESSEE, DID UNLAWFULLY, FELONIOUSLY, WILLFULLY, DELIBERATELY, PREMEDITATELY AND OF HIS MALICE AFORETHOUGHT KILL AND MURDER

LIMITED OFFICIAL USE

MARTIN LUTHER KING JR. WITHIN THE JURISDICTION OF THE USA.
RAY, HEREINAFTER CALLED THE DEFENDANT, CONVICTED OF COMMISSION OF THE CRIME OF ROBBERY WITH VIOLENCE TO WIT ON FEBRUARY 19, 1960 WAS SENTENCED FOR THE CRIME OF ROBBERY FIRST DEGREE BY MEANS OF A DANGEROUS AND DEADLY WEAPON WITHIN THE JURSIDICTION OF THE USA UNQUOTE
ROGER FRISBY, DEFENSE COUNSEL, WISHED TO MAKE A STATEMENT WHICH MR. SNEYD ASKED HIM TO MAKE. FRISBY REFERRED TO THE JUNE 10 LONDON TIMES HEADLINES WHICH STATED QUOTE U.S. JUSTICE DEPARTMENT CHIEF INTERVIEWS KING CASE MAN UNQUOTE FRISBY CONTINUED THAT MR. SNEYD STATED THAT HE WAS NOT INTERVIEWED BY MR. VINSON NOR ANY OTHER U.S. OFFICIAL. FRISBY ADVISED THAT COUNSEL WAS AUTHORIZED TO STATE BY CHIEF SUPERINTENDENT THOMAS BUTLER METROPOLITAN POLICE THAT AT NO TIME WAS MR. SNEYD INTERVIEWED BY MR. VINSON OR ANY OTHER AMERICAN OFFICIAL. MR. NAW, COUNSEL FOR U.S., CONFIRMED THIS STATEMENT. HEARING ADJOURNED UNTIL JUNE 27.
IN DISCUSSION WITH MAW PRIOR TO THE HEARING, HE ADVISED EMBASSY OFFICIAL WHO ALSO PRESENT AT HEARING THAT DEFENSE COUNSEL STATED OFF THE RECORD REPEAT OFF THE RECORD THAT HIS ONLY ARGUMENT IN THIS CASE IS ON THE GROUNDS THAT IT IS A POLITICAL EXTRADITION. MAW ALSO ADVISED THAT IN DISCUSSIONS WITH DEFENSE COUNSEL CASE WOULD BE COMPLETED ON 27TH.
IN ADDITION, TWO WARRANTS FOR ARREST WERE ISSUED BY THE COURT ON JUNE 13. COPIES WILL BE FURNISHED DEPT. SOONEST. BRUCE

37

File Ray

STATE OF TENNESSEE

GEORGE F. McCANLESS
ATTORNEY GENERAL & REPORTER

OFFICE OF THE
**ATTORNEY GENERAL**
SUPREME COURT BUILDING
NASHVILLE, TENNESSEE 37219

DEPUTY ATTORNEYS GENERAL
MILTON P. RICE
THOMAS E. FOX
ASSISTANT ATTORNEYS GENERAL
ROBERT B. MILLER
JOE T. McCARY
ROBERT F. HEDGEPATH
WILLIAM L. BROOKS
DAVID W. McMACKIN
PAUL E. JENNINGS
ALBERT D. NOE, IV
LURTON GOODPASTURE, JR.
ROBERT H. ROBERTS
GEORGE W. McHENRY, JR.
LANCE D. EVANS
C. HAYES COONEY

5

June 18, 1968

615

Honorable Mark B. Feldman
Assistant Legal Advisor for
Security and Consular Affairs
Legal Advisor's Office
Department of State
Washington, D. C.

PS 10-4 US-UK/RAY, JAMES EARL

Re: Extradition of James Earl Ray, alias Eric Starvo Galt, alias John Willard, alias Harvey Lowmeyer, alias Harvey Lowmyer, and alias George Ramon Sneyd

Dear Mr. Feldman:

In our telephone conversations during the evening of June 11, 1968, with the approval of His Excellency Buford Ellington, Governor of Tennessee, I was pleased to ratify the employment by the Department of State of the firm of Messrs. Rowe & Maw, Solicitors, acting on behalf of the State of Tennessee to represent the State in the matter of the extradition of the above-named fugitive. Governor Ellington is not now in Nashville, but within the next few days I expect to transmit through you a letter bearing the signature of Governor Ellington and me, complying with the Tennessee Statute, providing for the employment of Special Counsel.

We are most grateful to you for your assistance in continuing counsel in this matter.

Yours very truly,

George F. McCanless

GEORGE F. McCANLESS
Attorney General

6

GFMcC:be

copies - pg. 2

CC: His Excellency Buford Ellington
Governor of Tennessee
Executive Chambers
State Capitol
Nashville, Tennessee 37219

Honorable Claude Armour
Special Assistant on Law and Order
Office of the Governor
State Capitol
Nashville, Tennessee 37219

Honorable Phil M. Canale, Jr.
District Attorney General
Fifteenth Judicial Circuit
Shelby County Office Building
Memphis, Tennessee 38103

901-452-1287

Honorable Stephen J. Pollak
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D. C.

Honorable Albert D. Noe, IV
Assistant Attorney General
State of Tennessee
Supreme Court Building
Nashville, Tennessee 37219

PS 10-4 US-UK/RAY, JAMES
EARL

(11)

Department of State **TELEGRAM**

XR POL 6 US/KING, MARTIN LUTHER 42

LIMITED OFFICIAL USE 987

11

Ouagadougou 1417
6-19-68

PAGE 01 OUAGAD 01417 180208Z

82
ACTION AF 15

INFO CIAE 00,DODE 00,GPM 04,H 02,INR 07,L 03,NSAE 00,NSC 10,P 04,
RSC 01,SP 02,SS 20,JUS 02,RSR 01,/071 W

R 171520Z JUN 68
FM AMEMBASSY OUAGADOUGOU
TO SECSTATE WASHDC 1575
INFO USIA WASHDC

LIMITED OFFICIAL USE OUAGADOUGOU 1417

SUBJECT: ARREST KING'S ASSASSIN

1. IN PRIVATE TALK JUNE 15, PRESIDENT LAMIZANA SAID ARREST JAMES RAY SHOWED KING'S ASSASSINATION WAS WORK INTERNATIONAL CONSPIRACY AND NOT LOCAL AFFAIR.

2. I SUGGESTED EVIDENCE NOT YET CONCLUSIVE BUT DID NOT REALLY ATTEMPT CHALLENGE INTERNATIONAL CONSPIRACY THESIS BECAUSE HE WAS SO CLEARLY GLAD BE ABLE BELIEVE KING'S DEATH NOT DUE U.S. WHITE GROUP.

3. MANY PEOPLE HERE IRRESPECTIVE AGE OR POLITICAL OUTLOOK ARE QUICK TO ACCEPT CONSPIRACY INTERPRETATION EVENTS. SUGGEST THIS MIGHT BE KEPT IN MIND WHEN PREPARING AFRICAN COVERAGE KING AND KENNEDY ASSASSINATIONS. ROBERTS

MICROFILMED BY RS/R

(3)

LIMITED OFFICIAL USE

25

June 17, 1968

The Honorable
George M. McCanless
Attorney General
State of Tennessee
Supreme Court Building
Nashville, Tennessee 37219

In re Extradition of James Earl Ray

Dear Mr. McCanless:

I wish to thank you for your late evening call last Tuesday night, June 11, to inform me that you had spoken with Governor Ellington and that the Department of State was authorized to retain British counsel to represent the State of Tennessee in this matter. Accordingly, the American Embassy in London has retained the law firm of Rowe and Maw, Stafford House, Strand, London, W.C. 2. The solicitor in charge of the matter is Mr. Nigel Graham Maw. At your request I have inquired as to the fees charged by this firm, and I am advised that the firm charges at the rate of $25.00 an hour. It is estimated that the total expense of this action for counsel fees and court costs should not exceed $2,500.00.

As you have been informed, the documents arrived in London in time for the formal request for extradition to be filed on Wednesday June 12. The attorneys in your office and in the Office of District Attorney Canale are to be congratulated for their prompt and thorough action. For our part, we shall continue to do everything possible to obtain the extradition of James Earl Ray at the earliest possible date.

PS 16-4 US-UK/RAY, JAMES EARL

MICROFILMED BY RS/R

Q

HSCA: M.B. feldman

Thank you for your fine cooperation.

Sincerely yours,

Mark B. Feldman
Assistant Legal Adviser
for Security and Consular Affairs

cc: Mr. Jack Herfurt
American Embassy
London

Mr. Fred Vinson
Department of Justice
Washington, D. C.

PS 10-4 US-UK/RAY,
JAMES EARL

L/SCA:MBFeldman:ii

75

June 17, 1968

Mr. Paul E. Williams
Legal Assistant
Office of the Governor
State Capitol Building
Jefferson, City
Missouri, 65101

Re: Extradition of James Earl Ray

Dear Mr. Williams:

I wish to thank you for your fine cooperation in providing so promptly the documents requested by British counsel in this matter. As you know, the formal request for extradition was presented on Wednesday June 12. The second Wilkinson affidavit was carried to London along with other supplementary documentation late Friday evening. It is anticipated that the warrant will be served on the defendant and that a hearing date will be announced within a day or two.

I also wish to thank you for authorizing the Department to retain British counsel to represent the State of Missouri in this matter. In accordance with our telephone conversation last Tuesday, June 11, the American Embassy at London has retained the law firm of Rowe and Maw to represent Missouri as well as Tennessee. The solicitor in charge of the matter is Nigel Graham Maw. At your request, I have inquired as to the firm's fees, and I am advised that the rate is $25.00 an hour. The total amount of counsel fees and court costs in this action is not expected to exceed $2,500.00. It is our expectation that the shares to be paid by the two states will be worked out between them and the law firm.

PS 10-4 US-UK/RAY, JAMES EARL

MICROFILMED BY BS/R

L/SCA:M.B. Feldman

If there is any other information that may be useful to you, please do not hesitate to call upon me. In the meantime, we will endeavor to keep you informed of developments in the case.

Sincerely yours,

Mark B. Feldman
Assistant Legal Adviser
for Security and Consular Affairs

cc: Mr. Jack Herfurt,
American Embassy
London
Mr. Fred Vinson
Department of Justice
Washington

L/SCA:MBFeldman:ii

59 PS 10-4 US-UK/ Ray, James Earl

25

LIMITED OFFICIAL USE 923

PAGE 01 LONDON 09891 141230Z

44
ACTION L 03

INFO EUR 15,SCA 02,SCS 04,RSR 01,RSC 01,/026 W

R 141045Z JUN 68
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 4173

LIMITED OFFICIAL USE LONDON 9891

SUBJ: EXTRADITION JAMES EARL RAY.

REF: STATE'S 181589.

FOR FELDMAN - LEGAL

ROW AND MAW'S RATE TWENTY FIVE DOLLARS PER HOUR. BEST ESTIMATE EXPENSES THIS MATTER UNDER TWO THOUSAND FIVE HUNDRED DOLLARS.
BRUCE

London 9891 6-14-68

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1

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(53)

PS 10-4 US-UK / Ray, James Earl

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**OUTGOING TELEGRAM Department of State**

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☐ CHARGE TO

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*Classification*

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14 JUN 68 21 18z

183535

Origin

ACTION: Amembassy LONDON FLASH

Info:

STATE

SUBJECT: Extradition James Earl Ray

FOR HERFURT

Documents will arrive early morning aboard TWA flight 704.

Bureau has informed its representatives London to meet plane.

RUSK

Drafted by: L/SCA:MBFeldman:ii 5066

Tel. Ext. 6/14/68

Telegraphic transmission and classification approved by: L/SCA - Mark B. Feldman

Clearances:

Justice - Fred Vinson (substance)

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FORM 8-65 DS-322

37

L/SCA files

DEPARTMENT OF STATE

## Memorandum of Conversation

LIMITED OFFICIAL USE DATE: June 13, 1968

**SUBJECT:** Extradition of James Earl Ray

**PARTICIPANTS:** Mr. Jack Herfurt, Consul General, Amembassy, London
Mr. Mark B. Feldman, L/SCA

**COPIES TO:** ~~L - Mr. Belman~~
~~EUR/BMI- Mr. Cheslaw~~
~~Justice - Mr. Lewin~~
L/SCA

PS 10-4 US-UK/RAY, JAMES EARL

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1—1493

Mr. Herfurt called this morning to advise Mr. Feldman that the U.S. documents in this case have been filed in court by the Home Secretary at 11:00 a.m. London time today and have been made available to defense counsel, Mr. Eugene of Michael, Dresden & Co., 32 Maristod Street, London. He expected the warrant to be issued tomorrow and the hearing to be set for Friday, June 21. The haring on the British charges is set for the 18th of June. Mr. Herfurt indicated that the documentation was in good form, but he was pleased to learn that we would be sending on further material identifying the defendant as having been in Memphis. In his judgment, the Stephens' affidavit would be sufficient for that purpose.

Mr. Feldman asked Mr. Herfurt to inquire whether the defendant's attorneys were being provided as a form of legal assistance or whether the defendant was financing his own legal expenses. He also asked whether the defendant had to make any request for legal assistance or had to make any statement of indigency. Mr. Herfurt will provide this information.

In relation to the expenses of extradition Mr. Herfurt said he had asked Mr. Rowe for an estimate and had been told that the total cost of representation should not exceed 1,000 pounds at the most. Mr. Herfurt will report the firm's rates when he receives them. In one prior case, that of a Mr. Ingle, counsel fees and court costs amounted to $950 even though no trial was held.

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L:L/SCA:MBFeldman:ilm

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37

## DEPARTMENT OF STATE
### THE LEGAL ADVISER

June 12, 1968

TO: The file

FROM: L/SCA - Mark B. Feldman

SUBJECT: Ray case - retention of counsel

George F. McCanless, Attorney General of Tennessee, called me last night at about 11:00 p.m. to say that he had spoken with Governor Ellington and that we were authorized to proceed to retain counsel on behalf of the State of Tennessee and to take any other actions necessary to move forward on the extradition. The Attorney General will provide written confirmation of this authority after he returns to Tennessee from Boston, Massachusetts. I promised to provide him with some expense estimates as soon as I could get the information from England.

Yesterday afternoon at about 5:00 p.m. I spoke by phone to Paul Williams, Legal Adviser to the Governor of Missouri. Mr. Williams also authorized me to retain counsel on behalf of Missouri in the Ray extradition proceedings.

In both convervations I explained that the expenses of extradition, including particularly counsel fees, would have to be borne by the States, presumably in proportion to their respective interests in the case and the amount of work done on their respective applications.

PS 10-4 US-UK/RAY, JAMES EARL

①

(57)

PS 10-4 US-UK/Ray, James Earl

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**OUTGOING TELEGRAM Department of State**

INDICATE: ☐ COLLECT
☐ CHARGE TO

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*Classification*

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|---|---|
| Origin | ACTION: Amembassy LONDON |
| Info: | |

12 JUN 68 14 13z

STATE

SUBJECT: Extradition of James Earl Ray

FOR HERFURT

1. We are advised that photograph and fingerprint card sent to Department by Missouri and attached to original Wilkinson certificate forwarded to London are the original records taken from the file of the Missouri State Pen~~t~~itentiary (believe original ~~XXXXXXXXXX XXXXXXXXX~~ certificate describes them as true copies).

2. You are requested to present supplementary note requesting return of original photograph and fingerprint ~~XXXXX~~ card to USG upon completion of extradition hearing.

(1)

RUSK

MICROFILMED BY CS/R

| | | |
|---|---|---|
| Drafted by: L/SCA:MBFeldman:ii 6/12/68 | Tel. Ext. 5066 | Telegraphic transmission and classification approved by: L/SCA - Mark B. Feldman |
| Clearances: | | |

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*Classification*

FORM 8-65 DS-322

PS 10-4 US-UK / Ray, James Earl

(5)

Department of State

# TELEGRAM

SB

London 9788

6/12/68

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PAGE 01 LONDON 09788 121516Z

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50
ACTION SS 70

INFO SSO 00,CCO 00,NSCE 00,USIE 00,/070 W

O 121431Z JUN 68
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 4112

UNCLAS LONDON 9788

REF: STATE 180816 — PS 10-4 US-UK / Ray, James Earl

(1) REQUEST FOR EXTRADITION DEPOSITED WITH NATIONALITY AND TREATY DEPARTMENT OF FOREIGN OFFICE AT 13:45. DOCUMENTATION CHECKED IN PRESENCE OF CONSUL GENERAL U.S. EMBASSY AND OFFICER ADVISED SHE WOULD DELIVER IMMEDIATELY TO HOME OFFICE. BRUCE

NOTE: HANDLED LIMDIS PER S/S-O.

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UNCLASSIFIED

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OST London

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  MilRep
  Summary
  Task Force

## Principals

ES2 7
S
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M2
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SIG 1
S/AH3
S/AL
S/C
S/CPR
S/GOV
S/IL
S/P 1
S/R
S/FW
S/PM
M/WP

G/PM
G/DP

## Geographic

AF5
ARA9
EA11
EUR 9
NEA7

## Functional

CU
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INR6 6
IO4
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O3
  OPR
  OC
  SY
  WLG
P2
SCA
SCS
SCI

## OTHER AGENCIES

WH10 10
CIA 1
DOD
USIA4 8
NSA

## Other

ACDA5

AID/EXSEC3
  AA/AFR2
  AA/VN2
  AA/EA2
  AA/NESA2

PC

VP

AEC3
AGR3
COM2
EXIM
FRB
LAB
NASA
NIC
STR
TRANS
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JUS
IRS
INT
BOB
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CEA
FAA

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(5)

PS 10-4 US-UK/Ray, James Earl

181589

**OUTGOING TELEGRAM Department of State**

INDICATE: ☐ COLLECT
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*Classification*

(1)

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12 JUN 68 20 27z

68-15181

Origin

ACTION: Amembassy LONDON

Info:

STATE

SUBJECT: Extradition James Earl Ray ✓

FOR HERFURT

1. Tennessee and Missouri have both verbally authorized USG to retain counsel on their behalf in this case but both have asked for ~~xx~~ estimate of expenses. Would appreciate report of Rowe and Maw's rates, cost typical prior case, and your best estimate expenses this matter.

(2)

MICROFILMED BY RS/R

RUSK

| | | |
|---|---|---|
| Drafted by: L:L/SCA:~~XXX~~MBFeldman:ilm 6/12 MBF | Tel. Ext. 5066 | Telegraphic transmission and classification approved by: L:L/SCA - Mark B. Feldman MBF |

Clearances:

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FORM DS-322
8-65

59 PS 10-4 US-UK/ Ray, James Earl

UNCLASSIFIED

Department of State **TELEGRAM**

27

UNCLASSIFIED

LIMITED OFFICIAL USE 861

PAGE 01 LONDON 09738 111627Z

53
ACTION L 03

INFO EUR 15,SCA 02,JUS 02,PPT 02,SSO 00,SS 20,NSC 10,CIAE 00,INR 07,
NSAE 00,RSC 01,P 04,NSCE 00,USIE 00,RSR 01,/067 W

O 111550Z JUN 68
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 4084

London 9738
6-11-68

LIMITED OFFICIAL USE LONDON 9738

PASS LEWIN JUSTICE

SUBJ: EXTRADITION OF JAMES EARL RAY

REF: STATE 179500

PER HERFURT-BELMAN TELECON JUNE TEN FOLLOWING IS DRAFT OF NOTE TO BRITISH GOVERNMENT REQUESTING RAY'S EXTRADITION QUOTE

1. THE AMBASSADOR OF THE UNITED STATES OF AMERICA AT LONDON PRESENTS HIS COMPLIMENTS TO HER MAJESTY'S PRINCIPAL SECRETARY FOR FOREIGN AFFAIRS AND HAS THE HONOR, ON INSTRUCTIONS OF THE DEPARTMENT OF STATE, TO REQUEST THE ARREST AND DETENTION, WITH A VIEW TO HIS RETURN TO THE UNITED STATES UNDER THE EXTRADITION TREATY OF 1931 RATIFIED IN 1932, ENTERED INTO FORCE JUNE 24, 1935, ("THE 1935 TREATY"), OF JAMES EARL RAY ALIAS ERIC STARVO GALT, ALIAS JOHN WILLARD, ALIAS HARVEY LOWMEYER, ALIAS HARVEY LOWMYER, ALIAS RAMON GEORGE SNEYD, ALIAS RAMON GEORGE SNEYA, ALIAS W.C. HERRON, ALIAS JAMES MCBRIDE, ALIAS JAMES O'CONNER, ALIAS JAMES WALTON, ALIAS JAMES WALYON, ALIAS PAUL BRIDGMAN, ALIAS "JIM", PRESENTLY IN CUSTODY IN THE UNITED KINGDOM UNDER THE NAME OF RAMON GEORGE SNEYD, WHO IS PRESENTLY UNDER INDICTMENT IN SHELBY COUNTY IN THE STATE OF TENNESSEE FOR MURDER IN THE FIRST DEGREE. THIS CRIME APPEARS TO FALL WITHIN PARAGRAPH 1 OF ARTICLE 3 OF THE 1935 TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN. MR. RAY HAS ALSO BEEN CONVICTED OF THE CRIME OF (DEPT TO SUPPLY PARTICULARS REGARDING CONVICTION AND ESCAPE BY CABLE)

Decontrolled, per K.E. MALMBORG,
L/M/SCA, 8/15/74

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O/FADRC, Erickson

PAGE 02 LONDON 09738 111627Z

IN THE STATE OF MISSOURI. THIS CRIME APPEARS TO FALL WITHIN PARAGRAPH (DEPT TO SUPPLY PERTINENT PARAGRAPH (S) BY CABLE) OF ARTICLE 3 OF THE 1935 TREATY. BOTH THE STATE OF TENNESSEE AND THE STATE OF MISSOURI ARE INTERESTED IN HIS EXTRADITION. AUTHENTICATED DOCUMENTS COVERING THE AFOREMENTIONED INDICTMENT AND CONVICTION ARE ATTACHED.

2. THE GOVERNMENT OF THE UNITED STATES OF AMERICA IS PREPARED TO DESIGNATE AGENTS ON BEHALF OF THE STATE OF TENNESSEE AND THE STATE OF MISSOURI TO RECEIVE MR. RAY ALIAS ERIC STARVO GALT, ALIAS JOHN WILLARD, ALIAS HARVEY LOWMEYER, ALIAS HARVEY LOWMYER, ALIAS RAMON GEORGE SNEYD, ALIAS RAMON GEORGE SNEYA, ALIAS W.C. HERRON, ALIAS JAMES MCBRIDE, ALIAS JAMES O'CONNER, ALIAS JAMES WALTON, ALIAS JAMES WALYON, ALIAS PAUL BRIDGMAN, ALIAS "JIM", IN THE UNITED KINGDOM AND CONVEY HIM TO THE UNITED STATES AT THE PROPER TIME. THEREFORE, THE AMBASSADOR WOULD BE GRATEFUL IF HER MAJESTY'S GOVERNMENT WOULD INFORM HIM WHEN THE AGENT OR AGENTS SHOULD COME TO THIS COUNTRY TO RECEIVE THE SAID JAMES EARL RAY, ALIAS RAMON GEORGE SNEYD.

3. THE LAW FIRM OF ROWE AND MAW, STAFFORD HOUSE, STRAND, LONDON, W.C. 2, HAS BEEN AUTHORIZED TO REPRESENT THE UNITED STATES OF AMERICA ON THE REQUISITIONS OF THE STATE OF TENNESSEE AND THE STATE OF MISSOURI IN THIS MATTER.

ENCLOSURES: REQUISITION(S) WITH ATTACHMENTS. UNQUOTE

FOREGOING DRAFT HAS BEEN COORDINATED WITH ASSISTANT ATTORNEY GENERAL VINSON AND NIGEL GRAHAM MAW OF LAW FIRM REPRESENTING U.S. GOVERNMENT.

WE MAY HAVE TO SPLIT ABOVE NOTE INTO TWO PARTS, COVERING EACH CRIME SEPARATELY, IF THE COURT SO SUGGESTS.

BRUCE

August 15, 1974

action completed
8/19/74
DE

**MEMORANDUM**

TO: FADRC ✓

FROM: L/M/SCA - K. E. Malmborg

SUBJECT: Decontrol of Department Records

London telegram 9738 of June 11, 1968 and Department telegram 180816 of June 11, 1968, both relating to the extradition of James Earl Ray, have been decontrolled.

L/M/SCA:TJTallerico:yw
8/14/74 Ext. 20767

(53)

PS 10-4 US-UK / Ray, James Earl

180816

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918081

**OUTGOING TELEGRAM Department of State**

INDICATE: ☐ COLLECT
☐ CHARGE TO

UNCLASSIFIED

~~LIMITED OFFICIAL USE~~ Jed
*Classification*

FOR OC/T USE ONLY

11 JUN 68 22 17z

Origin

Info:

ACTION: Amembassy LONDON PRIORITY

STATE

SUBJECT: Extradition James Earl Ray

REF: STATE 179500; LONDON 9738

Department wishes make following changes in note:

(1) 1. Para 1 should read as follows "The Ambassador of the United States of America at London presents his compliments to Her Majesty's Principal Secretary for Foreign Affairs and has the honor, on instructions of the Department of State, to request the extradition to the United States in accordance with the Extradition Treaty between the United States of America and Great Britain signed at London on December 22, 1931, of James Earl Ray [add aliases] presently in custody in the United Kingdom under the name of Ramon George Sneyd, for the crimes of murder and robbery with violence. Mr. Ray is presently under indictment in Shelby County in the State of Tennessee for murder in the first degree. This crime is covered by paragraph 1 of Article 3 of the Extradition

MICROFILMED BY RS/M

| | | | |
|---|---|---|---|
| Drafted by:<br>L:L/SCA:HRGaither:gb | Tel. Ext.<br>5619 | Telegraphic transmission and classification approved by: | L - Murray J. Belman MJB |

Clearances:

~~L/SCA:Mr. Feldman~~ JUSTICE: Mr. Lewin MJB

Decontrolled, per K.E. MALMBORG, 4M/SCA, 8/15/74

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*Classification*

FORM 8-65 DS-322 O/FADRC Erickson

Treaty between the United States of America and Great Britain. Mr. Ray has also been convicted of the crime of Robbery, First Degree by Means of a Dangerous and Deadly Weapon on December 17, 1959 in the City of St. Louis, State of Missouri and sentenced on February 19, 1960 to be confined for a period of 20 years. He escaped from the Missouri State Penitentiary on April 23, 1967, leaving an unexpired term with legal expiration of March 16, 1980. This crime is covered by paragraph 16 of Article 3 of the Extradition Treaty. Both the State of Tennessee and the State of Missouri have requested his extradition. Authenticated documents covering the aforementioned indictment and conviction are attached."

2. In first sentence paragraph 2 after word "agents" delete "on behalf of the State of Tennessee and the State of Missouri."

END.

RUSK

(57)

PS 10-4 US-UK / Ray James Earl

179500

**OUTGOING TELEGRAM Department of State**

INDICATE: ☐ COLLECT
☐ C[illegible]GE TO

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9 JUN 68 02 27z

FOR OC/T USE ONLY

179500

ACTION: Amembassy LONDON PRIORITY

INFO: Amembassy OTTOWA

FOR HERFORD

SUBJECT: Extradition of James Earl Ray

LIMDIS

1. Repeat telegram from Governor Ellington to Sec State (Code room see attached text).

2. Dept has received foregoing request from Tennessee and wishes Emb to be prepared to make request for provisional arrest ASAP. Accordingly, you are requested to contact and retain local counsel ASAP.

3. Counsel should prepare papers necessary to obtain provisional arrest. Believe info provided by Tennessee above is sufficient to obtain provisional arrest, without bail pending extradition. Request confirmation.

(2)

MICROFILMED BY S/S

4. If it should prove to be feasible to obtain prompt deportation of Ray to U. S., without risk of his eluding custody, it may not be necessary to initiate extradition pro-

Drafted by: L/SCA:MFeldman MBF Tel. Ext. 4242 Telegraphic transmission and classification approved by: L/SCA: Mr. Feldman

Clearances: Justice: Mr. Harold Shapiro

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*Classification*

FORM 8-65 DS-322

ceedings. However, you are authorized to ~~take~~ initiate judicial and diplomatic action necessary to effect provisional arrest immediately if such action is indicated in your judgment.

5. Would appreciate report counsel's assessment of case for provisional arrest and prospects deportation by priority cable.

6. Tennessee requests official confirmation identification of Sneyd as Ray. Would appreciate confirmation and basis for identification.

END

RUSK

(52)

PS 10-4 US-UK/Ray, James Earl

179497

FOR OC/T USE ONLY

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9 JUN 68 00 29z

179497

# OUTGOING TELEGRAM Department of State

INDICATE: ☐ COLLECT
☐ C[illegible]GE TO

CONFIDENTIAL HAJ
*Classification*

| Origin | ACTION: AmErican Embassy LONDON FLASH 0 |
|---|---|
| Info: | State |

Ref: London 9686

1. Asst. Attorney General Fred M. Vinson, Jr., Head Criminal Division, Department Of Justice, arriving London June nine at 09:40 via PAA 104 rpt, 104.

2. Attorney General Clark requests that Ambassador Bruce, or if unavailable DCM Kaiser, receive Vinson soonest after arrivial. Vinson's mission is to review on behalf of the United States the custody, protection, and expeditious return of James Earl Ray. Att. Gen. is extremely concerned over conditions of confinement(maximum protection of prisoner is essential) and asks all available assistance.

(2)

3. Embassy requested to arrange hotel reservation and meet and assist Vinson upon arrival.

4. Septel will provide specific informatiom concerning extradition request of Tenn. authorities.

5. FYI two FBI agents arriving London by military transport to provide assistance to Legal Attache. They are making own arrangements.

RUSK

MICROFILMED BY ES/S

| Drafted by: | Tel. Ext. | Telegraphic transmission and classification approved by: |
|---|---|---|
| RMBeaudry/TMTracy TMT EUR | 2183 | Robert M. Beaudry, EUR RMB |

Clearances:

Justice:WChristopher AMB

*Classification*

FORM 8-65 DS-322

59 PS 10-4 US-UK/RAY, JAMES EARL

**Department of State** **TELEGRAM**

XR POL 6 US/KING, MARTINE LUTHER 26

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PAGE 01 LONDON 09686 081810Z

44
ACTION EUR 20

INFO SSO 00,NSCE 00,USIE 00,SS 20,L 03,H 02,NSC 10,CIAE 00,DODE 00,
INR 07,NSAE 00,P 04,RSC 01,SCS 04,SCA 02,SY 03,FBI 01,PPT 02,
JUS 02,CCO 00,RSR 01,/082 W

O 081806Z JUN 68
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 4051

LONDON 9686

6-868

UNCLAS LONDON 9686

1. JAMES EARL RAY, SUSPECTED ASSASSIN OF REV. MARTIN LUTHER KING, ARRESTED AT LONDON AIRPORT BY SCOTLAND YARD THIS MORNING.
2. UNDERSTAND DETAILED STATEMENT FURNISHING ALL KNOWN FACTS WAS RELEASED BY ATTY. GEN. RAMSEY CLARK TODAY. EMB LEGATT RECEIVED TEXT OF STATEMENT BY PHONE AND CONFIRMS ITS ACCURACY.
3. EMB REFERRING INQUIRERS TO PRESS BUREAU OF SCOTLAND YARD FOR INFO. SCOTLAND YARD IS FURNISHING LESS DETAILED INFO THAN ATTY. GEN'S STATEMENT SINCE MATTER IS SUB JUDICE AND BRITISH LAW PERMITS ONLY MINIMAL INFO UNTIL APPEARANCE OF ARRESTED MAN BEFORE A MAGISTRATE.
4. RAY WILL ATTEND REMAND HEARING AT BOW STREET MAGISTRATES COURT ON MONDAY AT 10:30. BRUCE

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PS 10-4 US-UK / RAY James Earl

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PAGE 01 OTTAWA 01813 081705Z

45
ACTION EUR 20

INFO PPT 02,SCA 02,FBI 01,SY 03,CIAE 00,INR 07,NSAE 00,RSC 01,JUS 02,
L 03,H 02,SS 20,NSC 10,SSO 00,P 04,USIA 12,RSR 01,/090 W

P 081700Z JUN 68
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC 3271 PRIORITY

Ottawa 1813 6/8/68

LIMITED OFFICIAL USE OTTAWA 1813

REPORTS OF APPREHENSION IN LONDON OF JAMES EARL RAY, SUSPECTED MURDERER OF DR. MARTIN LUTHER KING, HAVE BEEN FEATURED ON LOCAL RADIO AND TV NEWSCASTS IN OTTAWA TODAY, NOTABLY BECAUSE RAY WAS REPORTELY BEARER OF CANADIAN PASSPORT. EMBASSY LEGAL ATTACHES STATES THAT RAY HAS IN FACT BEEN IDENTIFIED AS BEARER OF CANADIAN PASSPORT IN NAME OF RAMON GEORGE SNEYD PURSUANT EXHAUSTIVE CHECK OF CANADIAN PASSPORT FILES BY EXTAFF AND RCMP. FULL DETAILS AVAILABLE FBI HEADQUARTERS WASHINGTON.

BUTTERWORTH

MICROFILMED BY SS/O

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